

Decision \_\_\_\_\_

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

Order Instituting Rulemaking to Continue Electric  
Integrated Resource Planning and Related Procurement  
Processes.

Rulemaking 20-05-003  
(Filed May 7, 2020)

**DECISION GRANTING COMPENSATION TO CALIFORNIA ENVIRONMENTAL  
JUSTICE ALLIANCE FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS (D.) 24-  
08-064, D.24-09-006, AND D.25-02-026**

<b>Intervenor:</b> California Environmental Justice Alliance	<b>For contribution to Decision (D.) 24-08-064, D.24-09-006, D.25-02-046<sup>1</sup></b>
<b>Claimed:</b> \$99,720.60	<b>Awarded:</b> \$91,319.15
<b>Assigned Commissioner:</b> Alice Reynolds	<b>Assigned ALJ:</b> Julie A. Fitch, Colin Rizzo <sup>2</sup>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	<p>Decision 24-08-064 found an initial need for the Department of Water Resources (“DWR”) to procure up to 10.6 gigawatts (“GW”) of nameplate capacity, including up to the following capacities: 7.6 GW of offshore wind (“OSW”); 1 GW of multi-day long-duration energy storage (“LDES”), and up to 1 GW of LDES with a discharge period of at least 12 hours. D.24-08-064 also set forth the process and considerations for DWR centralized procurement and identified procedural and substantive safeguards for the centralized procurement process.</p> <p>Decision 24-09-006 allows load-serving entities (“LSEs”) with compliance obligations pursuant to Decision 21-06-035 to use short-term alternative compliance options as part of</p>
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<sup>1</sup> The correct decision number is D.25-02-026.

<sup>2</sup> ALJ Rizzo was assigned to this proceeding on March 19, 2025.

	<p>the category of resources designed to replace the attributes of the Diablo Canyon Power Plant.</p> <p>Decision 25-02-046<sup>1</sup> recommends two electricity portfolios - a reliability and policy-driven base case portfolio and a sensitivity portfolio – to the California Independent System Operator (“CAISO”) for its 2025-2026 Transmission Planning Process analysis .</p>
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>3</sup>:**

	<b>Intervenor</b>	<b>CPUC Verification</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	7/14/20	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	<p>7/28/20, 9/6/2023</p> <p>(CEJA timely filed its original NOI in this proceeding. Pursuant to Rule 17.1 of the Commission’s Rules of Practice and Procedure and the August 21, 2023 Assigned Commissioner’s Amended Scoping Memo and Ruling, CEJA submitted an Amended NOI given CEJA’s change in its bylaws.)</p>	Verified; CEJA’s NOI was timely filed on July 28, 2020.
4. Was the NOI timely filed?		Yes

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

	Intervenor	CPUC Verification
<b>Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.19-11-009	Verified
6. Date of ALJ ruling:	March 13, 2020	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.19-11-009	Verified
10. Date of ALJ ruling:	March 13, 2020	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.25-02-026	Verified
14. Date of issuance of Final Order or Decision:	February 26, 2025	Verified
15. File date of compensation request:	March 21, 2025	Verified
16. Was the request for compensation timely?		Yes

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

#	Intervenor’s Comment(s)	CPUC Discussion
	The California Environmental Justice Alliance (“CEJA”) is an alliance of nonprofit, public interest, and grassroots environmental justice organizations working to achieve environmental justice for low-income communities and communities of color throughout the state of California. CEJA’s organizations represent utility customers throughout California that	Noted

#	Intervenor's Comment(s)	CPUC Discussion
	are concerned about their health and the environment. In particular, CEJA is advocating for policies at the federal, state, regional and local levels that protect public health and the environment. CEJA is also working to ensure that California enacts statewide climate change policies that protect low-income communities and communities of color.	

## PART II: SUBSTANTIAL CONTRIBUTION

### A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p><b>Issue 1: Eligible Resources: Centralized Procurement Should Not Include Combustion Resources and Fossil Fuels:</b> CEJA argued that centralized procurement should be tied to meeting climate and clean energy mandates. CEJA also argued that centralized procurement should not include carbon capture and sequestration ("CCS"), and that it should not include long duration energy storage ("LDES") that utilizes fossil fuels.</p> <p>The Commission agreed and found that centralized procurement should focus on meeting climate and clean energy mandates. The Commission further declined to include CCS and it further</p>	<p>D.24-08-064, p. 11 (describing how CEJA and Sierra Club also argue that an important criterion should be consistency with resource needs to meet Senate Bill (SB) 100 goals, and how CEJA and Sierra Club support Central Procurement Entity (CPE) procurement of OSW because it can help lead to faster retirement of natural gas plants.)</p> <p>D.24-08-064, p. 37 ("We are intentionally focused on resources that we believe could be important to the electricity sector as a whole in achieving California's SB 100 goals by 2045....").</p> <p>D.24-08-064, p. 41 (not including CCS in the list of eligible resources).</p> <p>D.24-08-064, p. 81, COL 12 ("Technologies that utilize fossil fuels to generate electricity are not eligible for centralized procurement by DWR...").</p>	Verified

clarified that all LDES must meet the requirements of the statute, which includes a requirement that resources not utilize fossil fuels.	<p>CEJA/SC May 24, 2024 Opening Comments on the ALJ Ruling, p. 5.</p> <p>CEJA/SC June 5, 2024 Reply Comments on ALJ Ruling, pp. 2-5 (discussing why bioenergy combustion and CCS should not be included as eligible resources).</p> <p>CEJA/SC August 8, 2024 Opening Comments on the Proposed Decision, pp. 1-3.</p>	
<p><b>Issue 2: DWR Need Determination:</b> CEJA requested that the Commission use the Preferred System Plan (“PSP”) as a starting point for making a need determination for DWR procurement.</p> <p>The Commission agreed to use the PSP as a starting point for making its DWR need determination.</p>	<p>D.24-08-064, pp. 22-23 (“CEJA and Sierra Club comment that the PSP is a reasonable starting point for a need determination....”).</p> <p>D.24-08-064, p. 48 (“In considering how much of each type of resource to determine is needed, for the geothermal and LDES categories, we determine that it is reasonable to make a need determination for roughly half of the quantities shown in the PSP portfolio to be procured using the CPE mechanism.”).</p> <p>CEJA/SC May 24, 2024 Opening Comments, pp. 9-10 (discussing how the PSP is a good starting point for DWR procurement need).</p>	Verified
<p><b>Issue 2: DWR Need Determination:</b> CEJA urged the Commission to find a need for up to 10 GW of Offshore Wind (“OSW”) procurement based on the AB 525 Strategic Plan.</p> <p>The Commission agreed that it should require DWR procurement of OSW up to 7.6 GW.</p>	<p>D.24-08-064, pp.49-50 (finding that “the 7.6 GW scenario [for OSW] analyzed appears to be the level beyond which, based on current assumptions, it becomes more likely that the costs of procuring the OSW will exceed benefits in cost savings to electricity ratepayers.”).</p> <p>CEJA/SC June 5, 2024 Reply Comments, pp. 2-7.</p>	Noted; <i>see</i> Part III.D CPUC Comments, Disallowances, and Adjustments.
<b>Issue 2: DWR Need Determination Process:</b> CEJA	D.24-08-064, p. 74 (“We have clarified that the review of the DWR	Verified

<p>argued that AB 1373 allowed the Commission to continue to refine its need determination after its initial request to DWR. CEJA also asked for confirmation that any need determination submitted to DWR will be subject to a stakeholder process.</p> <p>The Commission agreed with the process that CEJA outlined in its comments and provided a framework for ensuring stakeholder input on any new need determination.</p>	<p>memorandum to be submitted in the open IRP rulemaking will be subject to normal Commission process, including discovery, potential for evidentiary hearings, and other stakeholder input.”).</p> <p>D.24-08-064, p. 80, COL 3-6 (describing the process for the Commission making a DWR need determination under AB 1373).</p> <p>CEJA/SC May 24, 2024 Opening Comments, pp. 10-11 (discussing the process under AB 1373).</p> <p>CEJA/SC June 5, 2024 Reply Comments, pp. 5-7 (outlining process under AB 1373).</p> <p>CEJA/SC August 8, 2024 Opening Comments on the Proposed Decision, pp. 3-5.</p>	
<p><b>Issue 3: Procurement Process: Costs</b>  <b>Consideration:</b> CEJA argued that the Commission needed to ensure that ratepayers were protected by unjust and unreasonable DWR procurement.</p> <p>The Commission agreed with CEJA’s recommendation to at least evaluate the costs of proposed procurement against all available cost benchmarks for similar projects worldwide.</p>	<p>D.24-08-064, p. 76 (“At a minimum, similar to the CEJA and Sierra Club suggestions, we expect that cost reasonableness will be evaluated against all available cost benchmarks for similar projects worldwide, using publicly-available data such as the most recent NREL ATB data, as well as comparison against relevant similar California projects providing similar benefits.”).</p> <p>CEJA/SC August 8, 2024 Comments on the Proposed Decision, pp. 5-7.</p>	Verified
<p><b>Issue 3: Procurement Process:</b> CEJA urged the Commission to consider DWR procurement in an application process and to utilize an independent evaluator to evaluate the contracts. CEJA also requested that the</p>	<p>D.24-08-064, p. 30 (describing how CEJA requested that the Commission consider DWR contracts in an application process).</p> <p>D.24-08-064, p. 58 (“All proposed contracts should be submitted by DWR</p>	Verified

<p>independent evaluator ensure that DWR seek all available sources of funding.</p> <p>The Commission agreed with the process requested by CEJA and required that the DWR contracts would be evaluated in a proceeding and recommended that DWR hire an expert consultant.</p>	<p>to the Commission for approval via an application.”).</p> <p>D.24-08-064, p. 61 (“The ALJ Ruling also proposed that DWR be encouraged to retain an expert consultant to advise on the procurement as an independent evaluator and/or support for DWR staff procurement determinations...and therefore we will recommend this approach to DWR.”).</p> <p>D.24-08-064, p. 84, COL 31 (describing future process for considering DWR procurement).</p> <p>D.24-08-064, p. 85, COL 35 (requiring an expert consultant for DWR procurement).</p> <p>D.24-08-064, p. 88, OP 9 (“The Commission recommends that DWR pursue, through this consultant or another mechanism, any additional available sources of funding that may be applicable to the resources found needed for centralized procurement in this decision.”).</p> <p>CEJA/SC May 24, 2024 Opening Comments, pp. 6-7 (discussing concerns about DWR pursuing all incentives).</p> <p>CEJA/SC June 5, 2024 Reply Comments, pp. 8-10.</p> <p>CEJA/SC June 5, 2024 Reply Comments, p. 10 (requesting that the independent evaluator assesses DWR procurement).</p>	
<p><b>Issue 3: Procurement Process: Inclusion of Local Communities:</b> CEJA urged the Commission to require inclusion of local communities in the procurement review</p>	<p>D.24-08-064, p. 33 (“CEJA and Sierra Club suggest that the PRG involve impacted communities, including an option where a community member or organization can participate without reviewing confidential information.</p>	<p>Verified</p>

<p>group.</p> <p>The Commission agreed that local communities should be included within the procurement review group.</p>	<p>Generally, CEJA and Sierra Club suggest that DWR should work with local communities for consideration of their input on contracts.”).</p> <p>D.24-08-064, p. 62 (“In addition, a number of parties recommend that DWR be encouraged to conduct outreach to and allow representation on the procurement group from community groups and Tribal Nations with vested interests in the procurement. We agree, and encourage DWR to use the input from these groups as much as possible.”).</p> <p>D.24-08-064, p. 85, COL 37.</p> <p>CEJA/SC May 24, 2024 Opening Comments, pp. 20-21.</p> <p>CEJA/SC June 5, 2024 Reply Comments, pp. 8-9.</p>	
<p><b>Issue 4: Diablo Procurement Limitations: Prohibition of Unspecified Resources:</b></p> <p>CEJA urged the Commission to not allow unspecified import resources paired with Renewable Energy Credits (“RECs”) to qualify as bridge resources.</p> <p>The Commission agreed to not allow unspecified import resources paired with RECs to qualify as bridge resources.</p>	<p>D.24-09-006, p. 20 (discussing CEJA’s position).</p> <p>D.24-09-006, pp. 12-13 (not allowing the use of unspecified imports paired with RECs to count as Diablo bridge resources).</p> <p>CEJA/SC September 3, 2024 Reply Comments on the Proposed Decision.</p>	Verified
<p><b>Issue 5: TPP Sensitivity:</b></p> <p>CEJA supported the inclusion of OSW in the TPP sensitivity, and CEJA supported the Commission choosing the staff-recommended sensitivity and not the alternative sensitivity. CEJA further</p>	<p>D.25-02-046<sup>1</sup>, p. 22 (“CEJA and Sierra Club agree with including 7.6 GW of OSW as an opportunity to signal unambiguously that California is strongly committed to OSW development.”)</p>	Verified



<p>urged consideration of retirements in the sensitivity.</p> <p>The Commission included assumptions of OSW in the TPP sensitivity, and it choose the staff-recommended sensitivity. While the Commission declined to include retirement assumptions in the sensitivity, it committed to fully consider this issue after it has the results of the High Retirement TPP sensitivity.</p>	<p>D.25-02-046<sup>1</sup>, p. 32 (describing how CEJA supported the staff-recommended sensitivity that assumed OSW development).</p> <p>D.25-02-046<sup>1</sup>, p. 35 (“Once we have the full results of that analysis, we can consider whether and how to incorporate additional gas retirement planning into future TPP portfolios.”).</p> <p>CEJA/SC Sept. 30, 2024 TPP Comments, pp. 2-9 (discussing why should consider retirements).</p> <p>CEJA/SC Sept. 30, 2024 TPP Comments, p. 11 (discussing support for considering DWR procurement in the sensitivity).</p> <p>CEJA/SC Oct. 7, 2024 TPP Reply Comments, pp. 2-4 (urging prioritization of retirement planning).</p>	
<p><b>Issue 5: TPP Sensitivity: Consideration of OSW:</b> CEJA urged the Commission to not change its OSW assumption due to recent federal actions.</p> <p>The Commission declined to change the OSW assumption due to recent federal actions, citing uncertainty.</p>	<p>D.25-02-046<sup>1</sup>, p. 79 (explaining that several parties discuss federal actions related to OSW).</p> <p>D.25-02-046<sup>1</sup>, p. 80 (“We will continue to monitor and assess the potential impacts in the future, but we do not make any changes to the current portfolio, because doing so would be speculative at this time.”).</p> <p>CEJA/SC Jan. 30, 2025 TPP PD Comments, pp. 9-10.</p> <p>CEJA/SC Feb. 4, 2025 TPP PD Reply Comments, pp. 4-5.</p>	Verified
<p><b>Issue 6: Busbar Mapping Improvements:</b> CEJA urged the Commission to improve busbar mapping in several different ways, including by refining the criteria for</p>	<p>D.25-02-046<sup>1</sup>, p. 39 (“CEJA and Sierra Club suggest that the local reliability factor should not be counted against a facility for gas plant retirement.”)</p>	Verified

<p>consideration of gas plant retirements, refining consideration of commercial interest, improving consideration of biofuel facilities, and improving overall transparency and accessibility.</p> <p>The Commission agreed that it was reasonable to update the busbar mapping related to bioenergy mapping, criteria related to gas plant retirement, and consideration of commercial interest. The Commission also agreed to improve the transparency of the busbar mapping process.</p>	<p>D.25-02-046<sup>1</sup>, p. 48 (discussing how CEJA and Sierra Club urge the Commission to not map bioenergy facilities to already-burdened disadvantaged communities).</p> <p>D.25-02-046<sup>1</sup>, pp. 63-64 (“Turning to the comments from parties, as many parties acknowledged when making their comments, there are many good ideas from parties that can and should be considered when Commission staff update the criteria for the next round of busbar mapping. There are several good land-use criteria and other general criteria improvements, as well as improvements to commercial interest criteria and data. These recommendations and improvements will be considered for implementation in next year’s TPP process, which will also provide further opportunities for stakeholder review and engagement.”).</p> <p>D.25-02-046<sup>1</sup>, p. 64 (“With respect to bioenergy mapping, we will ask Commission staff to improve the datasets and analysis for future cycles. Some biomass will also be re-mapped in this portfolio, to improve criteria alignment, which is consistent with improvements Commission staff typically make during the analysis process.”)</p> <p>D.25-02-046<sup>1</sup>, p. 68 (“Overall, we also agree with many of the suggestions of stakeholders to improve transparency of the busbar mapping process and allow for more and earlier engagement with stakeholders.”).</p> <p>D.25-02-046<sup>1</sup>, p. 87, COL 7 (“It is reasonable to update the busbar mapping methodology for this year’s TPP to incorporate the items discussed</p>	
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	<p>in further detail in Section 5 of this decision, including but not limited to criteria for fossil-fueled thermal plants not retained, additional of environmental impact criteria for PSH, clarification of incorporation of in-development resources, updating of commercial development interest criteria, updating of societal environmental impacts analysis, and updating of sources of land-use and environmental criteria.”)</p> <p>CEJA/SC Sept. 30, 2025 TPP Comments<sup>4</sup>, p. 12 (“CEJA and Sierra Club are concerned that the [busbar] information is not in an accessible and transparent format.”)</p> <p>CEJA/SC Nov. 19, 2024 Comments on Busbar Mapping, pp. 2-3 (discussing need to reconsider criteria for prioritizing gas plant retirements); pp. 4-5 (discussing concerns related to commercial criteria); pp. 5-6 (discussing consideration of biomass); pp. 6-7 (discussing need to increase transparency).</p>	
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Verified
<b>c. If so, provide name of other parties:</b>		Noted

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<sup>4</sup> The correct filing date is September 30, 2024.

<p>The Sierra Club was the primary intervenor taking positions similar to CEJA. Given the similarity of positions, CEJA worked with Sierra Club on all the filings related to these decisions.</p> <p>Other parties that took similar positions include: CEERT, Environmental Defense Fund, and Protect Our Communities Foundation.</p>	
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>Throughout the proceeding, CEJA and Sierra Club coordinated their efforts to avoid duplication. CEJA and Sierra Club drafted and filed joint comments on all matters when their positions were aligned, which was for nearly every set of formal and informal comments in the proceeding.</p> <p>CEJA and Sierra Club communicated to coordinate strategy, share resources, and complete filings in the proceeding. Collaborating significantly minimized time spent drafting, researching, and analyzing issues. The coordinated efforts of CEJA and Sierra Club also avoided the potential for duplication.</p> <p>CEJA focused many of its comments on issues that impact disadvantaged community within this proceeding because CEJA was one of the main parties focused primarily on these issues, and CEJA was the only active party directly representing environmental justice communities. CEJA/Sierra Club’s comments provided analysis, research and data that highlighted their own arguments from the perspectives of an alliance of environmental justice organizations and an environmental protection organization. For example, CEJA was one of the main advocates for increasing community participation within the DWR process.</p> <p>CEJA also participated in discussions with CCAs and other parties, including EDF, about the issues addressed in these decisions.</p>	Noted

### PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>CEJA has participated in all major aspects of this time-intensive, complicated proceeding, including filing multiple comments related to the issues described above.</p>	Verified

	CPUC Discussion
<p>CEJA's filings reflected detailed substantive analysis. CEJA took the lead drafting the filings that were joined by Sierra Club for the DWR decision, and Sierra Club took the lead on most filings for the issues related to the Diablo decision. CEJA led the analysis and drafting for the comments related to the TPP decision. Details related to how CEJA and Sierra Club split responsibilities are detailed in CEJA's timesheet for Ms. Behles, who led the majority of filings in this proceeding. When CEJA took the lead, it analyzed the materials, presented a detailed outline, and drafted the comments. Sierra Club helped provide substantive feedback as well as additional resources to support core positions. When Sierra Club took the lead, CEJA provided substantive feedback on the outline of issues, and CEJA read through initial party comments to provide feedback on the scope of reply comments. CEJA also provided feedback on the initial drafts of comments.</p> <p>The comments CEJA submitted in this portion of the proceeding included significant legal, policy, and technical research on the many topics raised by the Commission's rulings, workshops, and decision. CEJA's extensive participation and detailed filings ensured the Commission had sufficient information to make a determination from the record. Importantly, the Commission was tasked with making determinations of requirements related to planning and procurement, both of which are of great concern to the communities CEJA represents. The majority of the work that CEJA performed in the proceeding was focused on how the proposed actions would impact these communities. Many of the collaboration hours were spent discussing the importance of aspects of the proposals with other parties in the proceeding to develop alignment on these issues that are critical to the communities CEJA represents.</p> <p>CEJA spent significant time writing detailed comments to ensure that the Commission and the Energy Division staff had the information needed to make informed decisions. Developing these detailed comments required significant research and an analysis of technical information and filings by dozens of parties.</p> <p>CEJA's core positions were adopted in the Decision. The core considerations related to centralized procurement, Diablo-related procurement, the TPP portfolios and busbar mapping are difficult to quantify.</p> <p>CEJA's request for fees and costs is likely to be a very small portion of the benefits that utility customers are likely to ultimately realize due to the improvements in planning and procurement.</p>	

	CPUC Discussion
<p><b>b. Reasonableness of hours claimed:</b></p> <p>As mentioned above, CEJA participated in all major aspects of the proceeding, including filing multiple comments and coordinating with multiple parties. CEJA's total filings are reflected in many pages of detailed substantive analysis. CEJA often had to analyze dozens and dozens of filings to develop comments and critiques of other parties. The amount of time CEJA spent on this portion of the proceeding is reasonable considering CEJA's extensive participation in and contribution to a wide range of outcomes. Furthermore, CEJA's hours are likely very low considering the number of filings, meetings, wide range of issues, and parties in this proceeding.</p> <p>CEJA's submitted significant legal, policy, and technical research on the topics raised by the Commission's ultimate decision. CEJA often took the lead on drafting many of the issues covered in joint comments. As one of the only parties directly representing disadvantaged communities, CEJA took the lead on all issues that directly impacted the communities we represent.</p> <p>CEJA was conscious of limiting hours and time spent on the proceeding. Deborah Behles, an experienced attorney and CPUC practitioner, took on the lead role in the proceeding. She coordinated with co-counsel, Shana Lazerow, to assure that internal duplication was avoided. Shana Lazerow also analyzed filings and issues to help develop positions in the proceeding and as an employee of one of CEJA's members, Ms. Lazerow was instrumental in ensuring that positions represented the goals of the alliance's members. Working together, Ms. Behles and Ms. Lazerow avoided duplication. When Ms. Behles was not lead, Ms. Lazerow, who also an experienced attorney and CPUC practitioner, assumed the role of lead attorney.</p> <p>Ms. Behles' and Ms. Lazerow's extensive CPUC experience and leadership reduced the number of hours required to develop briefs and comments for their own work.</p> <p>CEJA is not requesting hours that its attorneys found to be duplicative or excessive, and they performed a thorough and detailed review of hours to ensure there is no unnecessary duplication or excessiveness. For example, CEJA removed all the hours discussing the issue internally with CEJA's Energy Equity Committee and committee members. CEJA also removed all hours related to discussions with CEJA members related to the proceeding and its decision.</p>	Verified

	CPUC Discussion
<p><b>c. Allocation of hours by issue:</b></p> <p>CEJA has allocated all its attorney and expert time by issue area or activity, as evidenced by the attached timesheets. The following issues allocate hours by specific substantive issues and activity areas addressed by CEJA. CEJA also provides an approximate breakdown of the number of hours spent on each task and the percentage of total hours devoted to each category.</p> <p>Issue 1: Eligible Resources for Central Procurement, 12% of hours</p> <p>Work on issues related to resource eligibility considerations includes researching legal and factual issues, analyzing modeling, drafting technical and legal comments, and responding to critiques raised by other parties.</p> <p>Issue 2: Need Determination for Central Procurement, 9% of hours</p> <p>Work on issues related to developing the need determination for central procurement includes time spent researching legal and factual issues, discussions with other groups, research of other agencies' findings and documents, analyzing modeling, drafting technical and legal comments, and responding to critiques raised by other parties.</p> <p>Issues 3: Process for Central Procurement, 12% of hours</p> <p>Work on issues related to the process for central procurement includes time spent researching legal and factual issues, discussions with other groups, research of other agencies' findings and documents, analyzing modeling, drafting technical and legal comments, and responding to critiques raised by other parties.</p> <p>Issue 4: Diablo Procurement Limitations, 9% of hours</p> <p>Work on issues related to the Diablo procurement limitations includes researching legal and factual issues, analyzing modeling, drafting technical and legal comments, and responding to critiques raised by other parties. Much of this work focused on issues related to the overall GHG target.</p> <p>Issue 5: TPP Portfolios, 22% of hours</p> <p>Work on issues related to the TPP portfolios includes time spent researching legal and factual issues, discussions with other groups, research of other agencies' findings and documents, analyzing modeling, drafting technical and legal comments, and responding to critiques raised by other parties.</p>	<p>Noted; totals 101%.</p>

	CPUC Discussion
<p>Issue 6: Busbar Mapping Improvements, 27% of hours</p> <p>Work on issues related to the busbar mapping improvements includes time spent researching legal and factual issues, discussions with other groups, research of other agencies' findings and documents, analyzing modeling, drafting technical and legal comments, and responding to critiques raised by other parties.</p> <p>Issue 7: General Participation, 1% of hours</p> <p>General participation work is work that is essential to participation in the proceeding that typically spans multiple issues and/or is necessary for participating in the proceeding. This includes reviewing the initial Commission rulings, initial review of proposals by Staff, meetings, and work coordinating with other parties on general issues. If discussions with other parties were focused on a particular issue, those hours are allocated under that issue.</p> <p>Issue 8: Intervenor Compensation, 9% of hours</p> <p>Work preparing this request for compensation, responding to Intervenor Compensation office information requests in this proceeding, and analyzing the initial Commission decision related to compensation. CEJA submits that given the broad and extensive nature of this proceeding, this information should suffice to address the allocation requirement under the Commission's rules.</p> <p>If the Commission wishes to see additional or different information at this point, CEJA requests that the Commission inform it and provide a reasonable opportunity to supplement this showing accordingly.</p>	

**B. Specific Claim: \***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Deborah Behles	2024	95.2	\$670	D.25-01-051	\$63,784.00	85.12 [1]	\$670.00 [4] [6]	\$57,030.40



CLAIMED						CPUC AWARD		
Deborah Behles	2025	20.5	\$693	D.25-01-051 (plus 3.46% 2025 escalation), see Comment 1	\$14,207 <sup>5</sup>	20.50	\$695.00 [4] [6]	\$14,247.50
Shana Lazerow	2024	21.8	\$730	D.25-01-051	\$15,914.00	21.65 [1]	\$730.00 [5] [6]	\$15,804.50
Shana Lazerow	2025	2.1	\$755	D.25-01-051 (plus 3.46% 2025 escalation), see Comment 2	\$1,585.50	1.60 [2]	\$755.00 [5] [6]	\$1,208.00
Subtotal: \$95,490.00						Subtotal: \$88,290.40		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Deborah Behles	2025	6	\$346	½ of 2025 rate	\$2,076	6.00	\$347.50 [4]	\$2,085.00
Shana Lazerow	2025	5.7	\$378	½ of 2025 rate	\$2,155 <sup>6</sup>	2.50 [3]	\$377.50 [5]	\$943.75
Subtotal: \$4,231.00 <sup>7</sup>						Subtotal: \$3,028.75		
TOTAL REQUEST: \$99,720.60						TOTAL AWARD: \$91,319.15		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>								

<sup>5</sup> The correct total requested is \$14,206.50.

<sup>6</sup> The correct total requested is \$2,154.60.

<sup>7</sup> The correct subtotal is \$4,230.60.

CLAIMED			CPUC AWARD
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR <sup>8</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Deborah Behles	December 2001	218281	No
Shana Lazerow	June 1998	195491	No

**C. Attachments Documenting Specific Claim and Comments on Part III<sup>9</sup>:**

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	<b>Timesheets</b>
Comment 1	<p>Deborah Behles has been practicing environmental law since 2001. Ms. Behles received a B.S. in civil engineering with an environmental and structural engineering emphasis from Purdue University and her J.D. from the University of Minnesota. She has served as a trial attorney for the U.S. Department of Justice in the Environmental Enforcement Section and as an associate professor and a staff attorney with the Environmental Law and Justice Clinic at Golden Gate University School of Law. Since 2016, Ms. Behles is a sole practitioner specializing in environmental law and policy.</p> <p>CEJA provided Deborah Behles’ CV and the justification for Ms. Behles’ hourly rate, pursuant to the directions in Res. ALJ-393 to CEJA’s request filed in R.20-05-003 on July 15, 2021.</p> <p>Ms. Behles is an independent consultant working on a contingency basis. Ms. Behles’ contract with CEJA to provide her services on a contingency basis was filed in Rulemaking 22-07-005, and it is available here:  <a href="https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M539/K999/539999236.PDF">https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M539/K999/539999236.PDF</a>.          Since Ms. Behles works solely on contingency, CEJA is requesting market rate for her work.</p> <p>Notably, in Decision 25-01-051, the Commission found that:</p> <p style="padding-left: 40px;">CEJA has confirmed that Behles serves CEJA under contract on a contingency basis where the consultant has not billed or collected full compensation for the work performed until final award is given. We</p>

<sup>8</sup> This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

<sup>9</sup> Attachments not included in final Decision.

Attachment or Comment #	Description/Comment
	<p>therefore utilize the reasonable rates established by Resolution ALJ-393 based on Behles' experience.<sup>10</sup></p> <p>CEJA requests the same finding here. Ms. Behles' 2024 rate of \$670 was approved by the Commission in D.25-01-051. CEJA requests that the 2025 escalation of 3.46% be included in the 2025 rate.</p>
Comment 2	<p>Shana Lazerow is Legal Co-Director at Communities for a Better Environment. She graduated from law school at the University of California, Los Angeles in 1997. She has practiced environmental and administrative law for more than 25 years, and she has held the position of Chief of Litigation / Legal Director at CBE since 2005.</p> <p>Ms. Lazerow represents CEJA on a contingency basis. A discussion of Ms. Lazerow's representation on a contingency basis was filed in Rulemaking 22-07-005. Since Ms. Lazerow works solely on contingency, CEJA is requesting market rate for her work. Notably, in D.25-01-051, the Commission found that Ms. Lazerow serves on a "contingency basis where the consultant has not billed or collected full compensation for the work performed until the final award is given."<sup>11</sup> CEJA is asking for the same findings here.</p> <p>CEJA provided Shana Lazerow's CV and the justification for the requested hourly rates for Ms. Lazerow, pursuant to the directions in Res. ALJ-393 in CEJA's request filed in R.20-05-003 on July 15, 2021.</p> <p>Ms. Lazerow's 2024 rate of \$730 was approved by the Commission in D.25-01-051. CEJA requests that the 2025 escalation of 3.46% be included in the 2025 rate.</p>

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

Item	Reason
[1] Behles & Lazerow's 2024 Disallowance for Lack of Substantial Contribution	<p><b>Behles' 2024 hours are reduced by 10.08 hours, and Lazerow's 2024 hours are reduced by 0.15 hours for the activities below:</b></p> <p><u>Lack of Substantial Contribution (Behles: 10.08 hours; Lazerow: 0.15 hours):</u> CEJA is seeking compensation for the Commission's decision to require DWR procurement of OSW up to 7.6 GW. However, the decision was based on the Commission's own staff analysis, not party proposals. See D.24-08-064 where the Decision states, "Looking at the cost-benefit analysis conducted by Commission</p>

<sup>10</sup> D.25-01-051, p. 14.

<sup>11</sup> Id.

Item	Reason
	<p>staff, which considers the likelihood that benefits will exceed costs at particular levels of capacity procurement, the 7.6 GW scenario analyzed appears to be the level beyond which, based on current assumptions, it becomes more likely that the costs of procuring the OSW will exceed benefits in cost savings to electricity ratepayers. Beyond that level, net benefits currently appear to be lower, largely due to more expensive transmission upgrade costs and declining marginal benefits.”</p> <p>CEJA did provide supporting arguments, however their input had minimal influence on the decision-making process. Therefore, we find 75% of the total hours reasonable, as this is commensurate with the value of CEJA’s contributions regarding this issue in D.24-08-064.</p>
<p>[2] Lazerow’s 2025 Disallowance</p>	<p><b>Lazerow’s 2025 hours are reduced by 0.50 hours for the activities below:</b></p> <p><u>Lack of Substantial Contribution (0.50 hours):</u> This activity did not influence to the decision-making process, as CEJA did not submit any comments on the proposed decision after February 4, 2025. We therefore disallow the following hours:</p> <ul style="list-style-type: none"> <li>• 2/15/2025: draft poten comments on TPP PD Rev. 1</li> </ul>
<p>[3] Lazerow’s 2025 IComp Preparation Disallowance</p>	<p><b>Lazerow’s 2025 IComp preparation hours are reduced by 3.20 hours for the activities below:</b></p> <p><u>IComp Preparation Hours (3.20 hours):</u> CEJA requests compensation for drafting supporting documents related to a previous IComp claim in proceeding R.20-05-003, for substantial contribution to D.23-02-040 and D.24-02-047. This instant compensation request is limited to work performed in R.20-05-003 for substantial contribution to D.24-08-064, D.24-09-006, and D.25-02-026. In future filings, the Commission encourages CEJA to file all supporting documents with the initial claim to record work performed and claim compensation specific to the request. Work performed in connection to a previous IComp request is not eligible for compensation under a subsequent claim. We therefore disallow the following hours for IComp preparation:</p> <ul style="list-style-type: none"> <li>• 2/25/2025: respond to icomp supp info request</li> <li>• 2/27/2025: respond to icomp supp info request</li> </ul>
<p>[4] Behles’ 2024 and 2025 Hourly Rates</p>	<p>CEJA identified Behles as a consultant in Part III.C.[1].</p> <p>The Commission requested supplemental documentation be submitted by CEJA to confirm the rates charged by Behles. CEJA has confirmed that per the terms of their contract, Behles has been hired on a contingency rate basis, meaning the consultant 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 Behles’s experience.</p> <p>Given the 2024 Attorney V rate range is \$560.95 to \$773.67, we find the 2024 hourly rate of \$670.00 to be reasonable and we apply it here.</p>

Item	Reason
	<p>Given the 2025 Attorney V rate range is \$584.51 to \$797.23, we find the 2025 hourly rate of \$695.00 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 full compensation for the work performed until final award is given.</p> <p>We reiterate that it is the responsibility of the intervenor 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, CEJA did not provide all the documentation pertaining to the contract terms between CEJA and Behles in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
<p>[5] Lazerow's 2024 and 2025 Hourly Rates</p>	<p>CEJA identified Lazerow as a consultant in Part III.C.[2].</p> <p>The Commission requested supplemental documentation be submitted by CEJA to confirm the rates charged by Lazerow. CEJA has confirmed that per the terms of their contract, Lazerow has been hired on a contingency rate basis, meaning the consultant 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 Lazerow's experience.</p> <p>Given the 2024 Attorney V rate range is \$560.95 to \$773.67, we find the 2024 hourly rate of \$730.00 to be reasonable and we apply it here.</p> <p>Given the 2025 Attorney V rate range is \$584.51 to \$797.23, we find the 2025 hourly rate of \$755.00 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 full compensation for the work performed until final award is given.</p> <p>We reiterate that it is the responsibility of the intervenor 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, CEJA did not provide all the documentation pertaining to the contract terms between CEJA and Lazerow in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>

Item	Reason
[6] Consultant Rates	<p data-bbox="407 254 1453 541">In considering the intervenor's request for compensation, the Commission reminds the intervenor of its ethical obligation of honesty in Rule 1.1: "Any person who signs a pleading or brief, enters an appearance, offers testimony at a hearing, or transacts business with the Commission, by such act represents that he or she is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due to the Commission, members of the Commission and its Administrative Law Judges; and never to mislead the Commission or its staff by an artifice or false statement of fact or law."</p> <p data-bbox="407 583 1453 909">The Commission's standard for evaluating Rule 1.1 violations is well established: "A Rule 1.1 violation occurs when there has been a 'lack of candor, withholding of information, or failure to correct information or respond fully....'" (D.19-12-041, at *6.) The Commission will deny any intervenor request founded in dishonesty. Further, the Commission possesses the statutory authority to impose fines for violations of Rule 1.1. (Pub. Util. Code, §§ 2107,2108.) "In determining the amount of such penalty, ... the appropriateness of such penalty to the size of the business charged, the gravity of the violation, and the good faith of the person charged ... shall be considered." (Id., § 2104.5.)</p> <p data-bbox="407 951 1453 1308">Under Rule 1.1, the intent to mislead is not required. Rather, "there is ... a line of Commission decisions which holds that situations involving a failure to correctly cite a proposition of law, a lack of candor or withholding of information, and a failure to correctly inform and to correct the mistaken information, are actionable Rule 1 violations. (See D.93-05-020, D.92-07-084, D.92-07-078, D.90-12-038.)" (D.15-04-021, at *180-182.) Such reckless or grossly negligent acts "can cause the Commission to expend additional staff resources in trying to resolve the misleading statement." (Ibid.) "[T]he question of intent to deceive merely goes to the question of how much weight to assign to any penalty that may be assessed." (Ibid.)</p> <p data-bbox="407 1350 1453 1570">This is especially true in the context of intervenor compensation, where intervenor awards are drawn from ratepayers. To root out any inaccurate assertions in requests for compensation, the Commission has the statutory authority to examine intervenor's records: "The commission may audit the records and books of the customer or eligible local government entity to the extent necessary to verify the basis for the award." (Pub. Util. Code, § 1804(d).)</p> <p data-bbox="407 1612 1453 1854">Intervenors therefore must be truthful in all their representations to the Commission, including, but not limited to, their contingency fee arrangements, the amounts billed by outside consultants, the amounts actually paid by the intervenors to outside consultants, that the intervenors will not derive any profit or retain any portion of an award given for outside consultants' work, and that the intervenors have made their best efforts to work efficiently and minimize ratepayer costs.</p>

**PART IV: OPPOSITIONS AND COMMENTS**

**Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	Yes

**FINDINGS OF FACT**

1. California Environmental Justice Alliance has made a substantial contribution to D.24-08-064, D.24-09-006, and D.25-02-026.
2. The requested hourly rates for California Environmental Justice Alliance's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$91,319.15.

**CONCLUSION OF LAW**

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

**ORDER**

1. California Environmental Justice Alliance is awarded \$91,319.15.
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 California Environmental Justice Alliance their respective shares of the award, based on their California-jurisdictional electric revenues for the 2024 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent 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 June 4, 2025, the 75<sup>th</sup> day after the filing of California Environmental Justice Alliance'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 \_\_, 2025, at San Francisco, California.



## APPENDIX

## Compensation Decision Summary Information

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D2408064, D2409006, D2502026		
<b>Proceeding(s):</b>	R2005003		
<b>Author:</b>	ALJ Fitch & ALJ Rizzo		
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

## Intervenor Information

<b>Intervenor</b>	<b>Date Claim Filed</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE	March 21, 2025	\$99,720.60	\$91,319.15	N/A	See Part III.D CPUC Comments, Disallowances, and Adjustments above.

## Hourly Fee Information

<b>First Name</b>	<b>Last Name</b>	<b>Attorney, Expert, or Advocate</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Deborah	Behles <sup>12</sup>	Attorney	\$670	2024	\$670.00
Deborah	Behles <sup>12</sup>	Attorney	\$693	2025	\$695.00
Shana	Lazerow <sup>13</sup>	Attorney	\$730	2024	\$730.00
Shana	Lazerow <sup>13</sup>	Attorney	\$755	2025	\$755.00

(END OF APPENDIX)

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<sup>12</sup> Behles serves CEJA as a consultant.

<sup>13</sup> Lazerow serves CEJA as a consultant.