

Decision 25-11-021 November 20, 2025

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U 902-E) for Approval of Real Time Pricing Pilot Rate.	Application 21-12-006
And Related Matter.	Application 21-12-008

DECISION GRANTING COMPENSATION TO ENVIRONMENTAL DEFENSE FUND FOR SUBSTANTIAL CONTRIBUTION TO DECISION (D.) 23-11-006

Intervenor: Environmental Defense Fund	For contribution to Decision (D.) 23-11-006
Claimed: \$89,498.25	Awarded: \$74,006.30
Assigned Commissioner: Alice Reynolds ¹	Assigned ALJ: Stephanie Wang

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision Adopting Dynamic Export Rate Pilot and Dismissing Application for a Real Time Pricing Rate Pilot (D.23-11-006).
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:²

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	2/9/2022	Verified
2. Other specified date for NOI:		

¹ This proceeding was reassigned to President Alice Reynolds on April 26, 2024.

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

	Intervenor	CPUC Verification
3. Date NOI filed:	3/1/2022	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.12-06-013	R.21-06-017
6. Date of ALJ ruling:	February 25, 2013	November 9, 2021
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.21-06-017	Verified
10. Date of ALJ ruling:	November 9, 2021	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.23-11-006	Verified
14. Date of issuance of Final Order or Decision:	November 15, 2023	Verified
15. File date of compensation request:	December 29, 2023	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
9/10	In D.20-09-007, the CPUC found that EDF had demonstrated customer status and significant financial hardship.	Noted

PART II: SUBSTANTIAL CONTRIBUTION

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

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. EDF submitted Intervenor Testimony in this proceeding on December 30, 2022.	1. "On December 30, 2022, the following parties served intervenor testimony... Environmental Defense Fund (EDF)..." (D.23-11-006, at p. 4).	Noted. However, see discussion in Part III. D [1].
2. Numerous parties, including EDF, submitted Rebuttal Testimony in this proceeding on January 30, 2023.	2. It is unclear why, but D.23-11-006 only states that "[o]n January 30, 2023, SDG&E served rebuttal testimony." (D.23-11-006, at p. 4).	Noted. However, see discussion in Part III. D [1].
3. EDF participated in a Joint Case Management Statement served by SDG&E on March 17, 2022. In this Joint Case Management Statement, EDF was one of many parties who supported dismissing the Import Rate Pilot Application.	3. "On March 17, 2022, SDG&E served a Joint Case Management Statement with a list of stipulated facts. In the Joint Case Management Statement, the following parties recommended that the Commission dismiss SDG&E's Import Rate Pilot application without prejudice and waived evidentiary hearings: ... EDF..." (D.23-11-006, at p. 4).	Noted
4. EDF filed and served an Opening Brief on June 9, 2023.	4. "On June 9, 2023, the following parties filed opening briefs: ... EDF, ..." (D.23-11-006, at p. 5).	Noted. However, see discussion in Part III. D [1].
5. EDF filed and served a Reply Brief on July 7, 2023.	5. "On July 7, 2023, the following parties filed reply briefs: ... EDF, ..." (D.23-11-006, at p. 5).	Noted. However, see discussion in Part III. D [1].
6. EDF filed and served a Response to Reply Briefs on July 26, 2023.	6. "On July 26, 2023, the following parties filed responses to reply briefs: EDF, SDG&E, and VGIC." (D.23-11-006, at p. 5).	Noted. However, see discussion in Part III. D [1].
7. In its Briefs, EDF opposed the Settlement Agreement submitted by the nine Settling Parties.	7. "Nine parties in this proceeding joined the Settlement Agreement (Settling Parties) regarding the Export Rate issues: SDG&E, Cal Advocates, UCAN, SBUA, TURN AREM/DACC, Electrify America, and FEA. Two parties, EDF and VGIC, opposed the Settlement Agreements in briefs."	Noted

	(D.23-11-006, at p. 7).	
8. EDF was one of many parties who agreed to dismiss SDG&E’s Import Rate Pilot application without prejudice.	8. “On March 17, 2022, SDG&E served a Joint Case Management Statement with a recommendation by the following parties to dismiss SDG&E’s Import Rate Pilot application without prejudice and direct SDG&E to file one or more dynamic rate applications after the Commission issues a final decision in R.22-07-005 that provides guidelines for dynamic rate applications: ... EDF...” (D.23-11-006, at p. 8).	Noted
9. EDF was one of many parties who stipulated that community choice aggregator (CCA) participation is crucial.	9. “SDG&E, SDCP, UCAN, TURN FEA, EA, SBUA, VGIC, Cal Advocates, EDF stipulated that CCA participation will be critical to obtaining participation sufficient for a robust evaluation of the Import Rate Pilot’s objectives.” (D.23-11-006, at p. 9).	Noted
10. In its Opening Brief, EDF argued that the Settlement Agreement did not comply with D.20-12-023 due to the lack of a distribution component and the fact that it does not provide incentives for commercial vehicles to electrify.	10. “Only one party, EDF, argued that the Settlement Agreement did not comply with D.20-12-023. EDF argued in its opening brief that D.20-12-023 required SDG&E to file an optimal dynamic rate application designed to encourage commercial EV charging, and that the proposed rate in the Settlement Agreement does not comply with this requirement because it does not include a distribution component. EDF argued that SDG&E had an obligation to design a dynamic rate that would ‘induce’ commercial vehicles to electrify, and that the Settlement Agreement did not provide sufficient incentives to overcome the ‘significant’ upfront costs of electrifying commercial vehicles....SDG&E replied that EDF did not provide facts or analysis to support its argument that the Settlement Agreement would not comply with D.20-12-023.” (D.23-11-006, at p. 11).	Verified
11. EDF argued that the	11. “We agree that D.20-12-023 did not	Verified

<p>dynamic rate must incentivize commercial customers to transition to electric vehicles.</p>	<p>require SDG&E to file a dynamic rate application that would, on its own, incentivize commercial customers to transition to electric vehicles. EDF did not provide sufficient facts or analysis to support a finding that the Settlement Agreement will not ‘encourage’ commercial EV charging.” (D.23-11-006, at p. 12).</p>	
<p>12. EDF and VGIC argued that the dynamic rate must include a distribution rate component during the pilot period.</p>	<p>12. “Two parties, VGIC and EDF, strongly opposed the Settlement Agreement’s proposal to not include a distribution rate component during the pilot period.” (D.23-11-006, at p. 14).</p> <p>“EDF argued that it is unlikely that the proposed Export Rate Pilot would provide system reliability benefits and greenhouse gas reductions because it would not provide sufficient incentives for vehicles, particularly medium- and heavy-duty trucks, to electrify.” (D.23-11-006, at p. 15).</p> <p>“VGIC, in its opening brief, urged the Commission to adopt one of the three following methods for including a distribution component: (a) apply SDG&E’s D-CPP component from Schedules GIR or VGI, (b) apply a method that the Commission adopted for a dynamic rate of Pacific Gas and Electric Company (PG&E), or (c) adopt EDF’s proposed method. (D.23-11-006, at p. 15).</p> <p>“EDF agreed that the Commission should not apply D-CPP from Schedules GIR and VGI to the Export Rate Pilot.” (D.23-11-006, at p. 16).</p>	<p>Verified</p>
<p>13. EDF and VGIC urged the Commission to include a distribution component in order to properly incentivize</p>	<p>13. “The underlying argument that VGIC and EDF presented for opposing the Settlement Agreement’s proposal for an Export Rate Pilot without a</p>	<p>Verified</p>

<p>customers to enroll in the pilot.</p>	<p>distribution component was that these parties expect the pilot to fail to incentivize a meaningful number of customers enroll in the pilot.” (D.23-11-006, at p. 17).</p> <p>“Each of VGIC’s and EDF’s recommended approaches for adding a distribution component has the potential to increase implementation costs and/or delay implementation.” (D.23-11-006, at p. 17).</p> <p>“Only VGIC supported EDF’s proposal to order SDG&E to refile the Export Rate application with a bespoke distribution component, which would delay implementation of the pilot.” (D.23-11-006, at p. 17).</p> <p>“The Commission may consider a distribution component for the pilot or any other adjustments to the pilot to increase participation in the future.” (D.23-11-006, at p. 18).</p>	
<p>14. EDF and VGIC urged the Commission to consider the Export Rate Pilot immediately.</p>	<p>14. “EDF and VGIC joined a few other parties to urge the Commission to consider the Export Rate Pilot immediately.” (D.23-11-006, at p. 18).</p>	<p>Verified</p>
<p>15. EDF was one of many parties who stipulated that Net Energy Metering would add complexity to the Export Rate Pilot.</p>	<p>15. “SDG&E, SDCP, UCAN, TURN, FEA, EA, SBUA, VGIC, Cal Advocates, and EDF stipulated that Net Energy Metering would add complexity to the Export Rate Pilot.” (D.23-11-006, at p. 19).</p>	<p>Verified</p>
<p>16. EDF recommended that SDG&E create a more formal ME&O process.</p>	<p>16. “In its opening brief, EDF argued that SDG&E should create formal feedback loop to incorporate participation data into its ME&O efforts... EDF’s proposal to create a ‘formal feedback loop’ to incorporate participation data into its ME&O efforts may be appropriate for a more elaborate ME&O plan, but it is unnecessary to add</p>	<p>Verified</p>

	a formal feedback process to the modest ME&O plan proposed by the Settling Parties.” (D.23-11-006, at p. 23).	
17. EDF filed and served Opening Comments on the Proposed Decision on October 16, 2023 and Reply Comments on October 23, 2023.	17. “Comments were filed on October 16, 2023 by EDF, Settling Parties, SDG&E, and VGIC, and reply comments were filed on October 23, 2023 by EDF and SDG&E.” (D.23-11-006, at p. 28).	Noted. However, see discussion in Part III. D [1].

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	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c. If so, provide name of other parties: Vehicle Grid Integration Council (VGIC) (as to inclusion of a distribution Component in the Export Pilot) and numerous other parties (as to dismissal of the Import Pilot).		Noted
d. Intervenor’s claim of non-duplication: While EDF had similar positions to other parties on certain elements of this application as noted above, EDF delivered stand-alone comments, testimony and briefs that were independent of other parties.		Noted

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
a. Intervenor’s claim of cost reasonableness: EDF’s costs were reasonable for investigation of the application. EDF carefully considered its advocacy during the course of the docket and attempted to use cost-effective methods over the course of the proceeding.	Noted
b. Reasonableness of hours claimed: EDF worked diligently throughout the process to only spend a reasonable and prudent amount of time.	Noted. <i>See</i> discussion in Part III. D [8].

	CPUC Discussion
<p>c. Allocation of hours by issue: In contributing to this decision, EDF focused on the need for an effective dynamic export rate which would incentivize customers to participate, inclusion of a distribution component, and stronger marketing, education, and outreach.</p>	Noted. <i>See</i> discussion in Part III. D [9].

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Megan Myers	2021	1	\$490	Intervenor Compensation (IComp) Hourly Rate Chart Effective 1/1/2021 for Attorney with 19+ years of experience	\$490	0.90 [9]	\$490.00 [2,10]	\$441.00
Megan Myers	2022	34.4	\$490	IComp Hourly Rate Chart Effective 1/1/2021 for Attorney with 19+ years of experience	\$16,856	27.36 [7, 9]	\$490.00 [2,10]	\$13,406.40
Megan Myers	2023	70.5	\$490	IComp Hourly Rate Chart Effective 1/1/2021 for Attorney with 19+ years of experience	\$34,545	57.15 [7, 9]	\$490.00 [2,10]	\$28,003.50
Michael Colvin	2021	2.5	\$490	ALJ-393; Public Policy Analyst IV	\$1,225	2.14 [8, 9]	\$480.00 [3,10]	\$1,027.20
Michael Colvin	2022	13.25	\$515	2021 rate and 5% step increase per D.07-01-009;	\$6,823.75	11.33 [8, 9]	\$505.00 [3,10]	\$5,721.65

CLAIMED					CPUC AWARD			
				please add escalation rate (a.k.a. COLA)				
Michael Colvin	2023	14.25	\$540	2021 rate and 5% step increase per D.07-01-009; please add escalation rate (a.k.a. COLA)	\$7,695	12.19 [8, 9]	\$545.00 [3,10]	\$6,643.55
Steven Moss	2022	29	\$300	IComp Hourly Rate Chart Effective 1/1/2021 for Expert with 20+ years of experience	\$8,700	23.94 [6, 8, 9]	\$300.00 [4,10]	\$7,182.00
Steven Moss	2023	37	\$300	IComp Hourly Rate Chart Effective 1/1/2021 for Expert with 20+ years of experience	\$11,100	31.63 [8, 9]	\$300.00 [4,10]	\$9,489.00
Cole Jermyn	2021	2	\$100	IComp Hourly Rate Chart Effective 1/1/2021 for Legal Fellow with 1 year of experience	\$200	1.80 [9]	\$100.00 [5]	\$180.00
Cole Jermyn	2022	4	\$115	IComp Hourly Rate Chart Effective 1/1/2021 for Legal Fellow with 1 year of experience and an Attorney with under 6 months experience	\$460	3.60 [9]	\$115.00 [5]	\$414.00
Cole Jermyn	2023	2	\$175	IComp Hourly Rate Chart	\$350	1.80 [9]	\$315.00	\$567.00

CLAIMED						CPUC AWARD		
				Effective 1/1/2021 for an Attorney with 1 year of experience			[5]	
Subtotal: \$88,444.75						Subtotal: \$73,075.30		
INTERVENOR COMPENSATION CLAIM PREPARATION**								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Megan Myers	2022	2.3	\$245	Resolution ALJ-393	\$563.50	1.80 [7]	\$245.00 [2]	\$441.00
Megan Myers	2023	2.0	\$245	Resolution ALJ-393	\$490.00	2.00	\$245.00 [2]	\$490.00
Subtotal: \$1,053.50						Subtotal: \$931.00		
TOTAL REQUEST: \$89,498.25						TOTAL AWARD: \$74,006.30		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR ³	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation					
Megan Myers	December 2004	233318	No					

³ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

C. Attachments Documenting Specific Claim and Comments on Part III⁴:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Resume of Megan Myers
3	Resume of Michael Colvin
4	Resume of Steven Moss
5	Resume of Cole Jermyn
6	<p>Allocation of Time for Environmental Defense Fund</p> <p>1. Megan Myers is a legal consultant for EDF with approximately 19 years of experience as an attorney, including over 10 years working as a regulatory attorney representing clients before the California Public Utilities Commission. Given her experience, she is classified as⁵</p> <p>2. Michael Colvin spent over 10 years at the California Public Utilities Commission and another 5 at Environmental Defense Fund. Given his experience, he is classified as Public Policy Analyst IV.</p> <p>3. Steven Moss has over 20 years of experience as a technical expert for utility regulatory proceedings.</p> <p>4. Cole Jermyn is an Attorney who is licensed to practice in Washington D.C. He has worked for EDF since August 2021 first as an Energy Transition Legal Fello and then as an Energy Transition Attorney since August 2022.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Guidance Regarding Compliance with the Intervenor Compensation	In Part II.A: Substantial Contribution, EDF frequently cited sections of the Decision which summarized their comments, and/or simply listed that they filed comments as their substantial contribution. We remind EDF that submitting comments does not, in and of itself, constitute a substantial contribution.

⁴ Attachments not included in the final decision.

⁵ This statement is incomplete. We remind EDF to double-check their work to avoid missing information relative to their claim.

Item	Reason
Program Requirements	
[2] Myers 2021, 2022, and 2023 Rate	<p>Upon further review, the Commission has determined that Myers is a consultant. 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.⁶ 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>The documentation provided by EDF verified that Myers billed EDF a 2021, 2022, and 2023 hourly rate of \$490.00. We approve a 2021, 2022, and 2023 hourly rate of \$490.00 for Myer's work in this claim. Additionally, we apply ½ of Myer's 2023 rate of \$490.00 for an intervenor compensation claim preparation rate of \$245.00.</p> <p>The award determined herein for Myer's contribution in this proceeding shall be paid in full to Myers, 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 Myers and EDF, as they are established in accordance with the Commission's policy on consultant compensation.</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, EDF did not provide all the documentation pertaining to the contract terms between EDF and Myers in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
[3] Colvin 2021, 2022, and 2023 Rate	<p>D.22-11-037 approved a 2021 hourly rate of \$480.00 for Colvin. D.24-05-026 approved a 2022 hourly rate of \$505.00 for Colvin.</p> <p>D.24-05-026 verified a 2023 rate of \$520.00 for Michael Colvin as an Expert – Public Policy Analyst - IV. Upon review of the submitted resume, we have reevaluated Colvin's 2023 rate. The 2023 rate range for an Expert - Public Policy Analyst - V is \$543.52 to \$920.24, with a median of \$702.42. Colvin has 15+ years of experience in public policy, holding various roles across management, analysis, and consulting. Therefore, we summarily classify Colvin as an Expert -</p>

⁶ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
	Public Policy Analyst - V and approve a 2023 hourly rate of \$545.00 for Colvin going forward.
[4] Moss 2022 and 2023 Rate	<p>Upon further review, the Commission has determined that Moss is a consultant. Pursuant to Commission policy, the rate requested by an intervenor must not exceed the rate billed to that intervenor by any outside consultant it hires, even if the consultant's billed rate is below the floor for a given experience level.⁷ Per the IComp Program Guide at 24, the Commission may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)).</p> <p>The documentation provided by EDF verified that Moss billed EDF a 2022 and 2023 hourly rate of \$300.00. We approve a 2022 and 2023 hourly rate of \$300.00 for Moss's work in this claim.</p> <p>The award determined herein for Moss' contribution in this proceeding shall be paid in full to Moss, 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 Moss and EDF, as they are established in accordance with the Commission's policy on consultant compensation.</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, EDF did not provide all the documentation pertaining to the contract terms between EDF and Moss in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
[5] Jermyn 2021, 2022, and 2023 Rate	<p>Cole Jermyn received a BS in Environmental Resources Engineering from State University of New York in May 2018, and received a JD from Harvard Law School in May 2021. Mr. Jermyn joined EDF as a Legal Fellow in August 2021 and was admitted to the bar in Washington, D.C. on November 29, 2021.</p> <p>Prior to being licensed with any bar association, Mr. Jermyn's experience was commensurate with that of a Paralegal – Level I. EDF's requested 2021 hourly rate of \$100, and requested 2022 hourly rate of \$115, for Mr. Jermyn are in the middle of the salary range for a Paralegal – Level I, are reasonable and are approved.</p> <p>EDF requests for a 2023 hourly rate as an Attorney – Level I, with 0-1 years of experience for Mr. Jermyn. The 2023 rate range for an Attorney I is \$193.45 -</p>

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

Item	Reason
	<p>\$317.95, and given Cole Jermyn’s relevant experience of 0-1 years, we find a rate of \$315.00 reasonable and adopt it here. The awarded 2023 rate of \$315.00 is at the top of the range for an Attorney – I, commensurate of Cole Jermyn’s experience, and is consistent with the previously awarded 2024 hourly rate of \$365.00.</p>
<p>[6] Moss 2022 Disallowance</p>	<p>The following activity is disallowed as vague and lacks the necessary detail to demonstrate how it contributed to the decision-making process:</p> <ul style="list-style-type: none"> • 11/9/2022 (Moss): “Conference call” – 1.0 <p>Intervenors bear the burden of proof to show that all claimed hours were spent efficiently and made a substantial contribution, as required under program guidelines.</p>
<p>[7] Disallowances for Clerical Work</p>	<p>The CPUC does not compensate for the time spent on clerical and administrative tasks, as these fees are subsumed within professional fees.⁸ We disallow the following hours:</p> <ul style="list-style-type: none"> • 1/20/2022 (Myers): “File and serve EDF's Response” – 1.0 • 4/18/2022 (Myers): “File and serve EDF's Three Working Days' Notice of Ex Parte” – 1.0 • 4/28/2022 (Myers): “File and serve EDF's Notice of Ex Parte” – 1.0 • 12/26/2022 (Myers): “File and serve EDF's Opening Testimony” – 1.0 • 1/30/2023 (Myers): “Review, revise, submit and serve EDF's Rebuttal Testimony” – 1.5 • 3/21/2023 (Myers): “File and serve Notice of Ex Parte” - 0.5 • 6/9/2023 (Myers): “File and serve EDF's Opening Brief” – 1.0 • 07/07/2023 (Myers): “File and serve EDF’s Reply Brief” – 1.0 • 7/26/2023 (Myers): “File and serve EDF's Response to Reply Briefs” – 1.0 • 10/16/2023 (Myers): “File and serve EDF's Opening Comments on the Proposed Decision” – 1.0 • 10/23/2023 (Myers): “File and serve EDF's Reply Comments on the Proposed Decision” – 1.0 <p><u>IComp Preparation Hours:</u> We reduce 50% of the hours for Intervenor Compensation Preparation hours below as the CPUC does not compensate for the time spent on clerical and administrative tasks, as these fees are subsumed in the fees paid to attorneys.</p> <ul style="list-style-type: none"> • 03/01/2022 (Myers): “Revise, file, and serve Notice of Intent to Claim Intervenor Compensation” – 0.50 hours

⁸ See D.11-07-024 at p. 18, and the Commission’s Intervenor Compensation Program Guide at 12 and 22.

Item	Reason																																																					
[8] Internal Duplication	<p>Approximately 15 hours claimed by EDF’s internal staff relate to reading, reviewing, and editing each other’s work. As noted in D.24-01-022, the Commission awards intervenor compensation for efficient efforts that contribute to proceeding outcomes, and has disallowed activities or made reductions to hours that reflect internal duplication and excessive hours claimed.⁹</p> <p>For internal duplication, we disallow an additional 5 percent of the total hours not already disallowed above by EDF’s staff members Colvin and Moss.</p>																																																					
[9] Failure to Allocate Hours by Issue Area	<p>EDF did not allocate hours by issue areas in their submitted timesheet. Nearly all hours in their submitted timesheet entry are categorized under “all”. As noted in D.24-01-022, if there is more than one issue area EDF must show how their requested hours were apportioned among the issues on which they claim a substantial contribution.¹⁰ This requirement is necessary not only to support a finding of substantial contribution, but to help identify instances where staff may be working on different issue areas in the same or similar documents. Most of the professional work on the proceeding can and must be associated with the proceeding’s substantive issues. <i>See</i> D.10-04-023 at 13-14.” <i>See</i> IComp Program Guide at 21. As such, we reduce all hours for Myers, Colvin, Jermyn and Moss by 10%.</p> <table border="1" data-bbox="418 1041 1461 1644"> <thead> <tr> <th data-bbox="418 1041 610 1224">Year</th> <th data-bbox="613 1041 816 1224">Person</th> <th data-bbox="820 1041 1049 1224">Total requested hours (includes prior disallowances)</th> <th data-bbox="1052 1041 1256 1224">Hours Disallowed</th> <th data-bbox="1260 1041 1461 1224">Hours Awarded</th> </tr> </thead> <tbody> <tr> <td data-bbox="418 1228 610 1262">2021</td> <td data-bbox="613 1228 816 1339" rowspan="3">Megan Myers</td> <td data-bbox="820 1228 1049 1262">1.00</td> <td data-bbox="1052 1228 1256 1262">0.10</td> <td data-bbox="1260 1228 1461 1262">0.90 hours</td> </tr> <tr> <td data-bbox="418 1266 610 1299">2022</td> <td data-bbox="820 1266 1049 1299">30.40</td> <td data-bbox="1052 1266 1256 1299">3.04</td> <td data-bbox="1260 1266 1461 1299">27.36 hours</td> </tr> <tr> <td data-bbox="418 1304 610 1337">2023</td> <td data-bbox="820 1304 1049 1337">63.50</td> <td data-bbox="1052 1304 1256 1337">6.35</td> <td data-bbox="1260 1304 1461 1337">57.15 hours</td> </tr> <tr> <td data-bbox="418 1341 610 1375">2021</td> <td data-bbox="613 1341 816 1453" rowspan="3">Michael Colvin</td> <td data-bbox="820 1341 1049 1375">2.38</td> <td data-bbox="1052 1341 1256 1375">0.24</td> <td data-bbox="1260 1341 1461 1375">2.14 hours</td> </tr> <tr> <td data-bbox="418 1379 610 1413">2022</td> <td data-bbox="820 1379 1049 1413">12.59</td> <td data-bbox="1052 1379 1256 1413">1.26</td> <td data-bbox="1260 1379 1461 1413">11.33 hours</td> </tr> <tr> <td data-bbox="418 1417 610 1451">2023</td> <td data-bbox="820 1417 1049 1451">13.54</td> <td data-bbox="1052 1417 1256 1451">1.35</td> <td data-bbox="1260 1417 1461 1451">12.19 hours</td> </tr> <tr> <td data-bbox="418 1455 610 1488">2021</td> <td data-bbox="613 1455 816 1566" rowspan="3">Cole Jermyn</td> <td data-bbox="820 1455 1049 1488">2.00</td> <td data-bbox="1052 1455 1256 1488">0.20</td> <td data-bbox="1260 1455 1461 1488">1.80 hours</td> </tr> <tr> <td data-bbox="418 1493 610 1526">2022</td> <td data-bbox="820 1493 1049 1526">4.00</td> <td data-bbox="1052 1493 1256 1526">0.40</td> <td data-bbox="1260 1493 1461 1526">3.60 hours</td> </tr> <tr> <td data-bbox="418 1530 610 1564">2023</td> <td data-bbox="820 1530 1049 1564">2.00</td> <td data-bbox="1052 1530 1256 1564">0.20</td> <td data-bbox="1260 1530 1461 1564">1.80 hours</td> </tr> <tr> <td data-bbox="418 1568 610 1602">2022</td> <td data-bbox="613 1568 816 1644" rowspan="2">Steven Moss</td> <td data-bbox="820 1568 1049 1602">26.60</td> <td data-bbox="1052 1568 1256 1602">2.66</td> <td data-bbox="1260 1568 1461 1602">23.94 hours</td> </tr> <tr> <td data-bbox="418 1606 610 1640">2023</td> <td data-bbox="820 1606 1049 1640">35.15</td> <td data-bbox="1052 1606 1256 1640">3.52</td> <td data-bbox="1260 1606 1461 1640">31.63 hours</td> </tr> </tbody> </table>	Year	Person	Total requested hours (includes prior disallowances)	Hours Disallowed	Hours Awarded	2021	Megan Myers	1.00	0.10	0.90 hours	2022	30.40	3.04	27.36 hours	2023	63.50	6.35	57.15 hours	2021	Michael Colvin	2.38	0.24	2.14 hours	2022	12.59	1.26	11.33 hours	2023	13.54	1.35	12.19 hours	2021	Cole Jermyn	2.00	0.20	1.80 hours	2022	4.00	0.40	3.60 hours	2023	2.00	0.20	1.80 hours	2022	Steven Moss	26.60	2.66	23.94 hours	2023	35.15	3.52	31.63 hours
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⁹ D.22-04-022 at 22.

¹⁰ D.21-04-022 at 22.

Item	Reason
<p>[10] Intervenor Responsibility for Transparency and Accuracy in Compensation Requests</p>	<p>The Commission takes this opportunity to remind all intervenors that they bear the burden of providing accurate, complete, and honest information in all compensation requests. The Commission relies on intervenors' good faith representations, particularly regarding consultant agreements and payments, as it does not have the resources to review every contract or non-standard arrangement in detail.</p> <p>Intervenor compensation is funded by ratepayers, and the Commission takes seriously any effort to mislead or obscure the financial basis for a claim. Although no violation of Rule 1.1 has been found in this instance, we remind intervenors that under Rule 1.1, intent to deceive is not required for a violation, misstatements may still be actionable. Dishonest or misleading claims not only risk denial of compensation but may also subject the intervenor to penalties.</p> <p>The Commission has clear authority to audit intervenors' books and records to verify the basis for any award. Intervenor must therefore ensure full transparency regarding actual time spent on issues, consultant fees, payment arrangements, and the actual disbursement of funds. Failure to meet this obligation undermines the integrity of the compensation process and may lead to denial of claims or further enforcement action.</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 (see Rule 14.6(c)(6))?	Yes

Although the 30-day comment period was waived, the Administrative Law Judge issued a ruling on August 6, 2025, permitting party comments and reply comments to the Proposed Decision. Comments were filed by EDF on August 15, 2025.

Party	Comment	CPUC Discussion
Environmental Defense Fund	<p><u>Rule 1.1 Language:</u></p> <p>EDF states that the Proposed Decision inappropriately contains language insinuating that EDF has violated the Commission’s Rules of Practice and Procedure, Rule 1.1. EDF acknowledges that although the Proposed Decision only insinuates this violation, it presented no evidence nor made any finding of fact, nor conclusion of law to support. EDF says the Proposed Decision alleges that EDF did not provide documentation pertaining to the contract terms between EDF and Steven Moss and EDF and Megan Myers in its initial claim and waited until the Commission requested supplemental documentation which delayed processing of the claim. EDF states that it cannot accept an insinuation of a Rule 1 violation when this is not a standard practice for any intervenor who engages with outside counsel or experts.</p> <p>EDF also states that while the Proposed Decision reminds EDF to be “truthful in all representations to the Commission,” it provides no examples of how EDF has been untruthful or why it should be “reminded” of its duties under Rule 1, and requests that the Proposed Decision be modified to remove any and all mentions of Rule 1.</p>	<p><u>Rule 1.1 Language:</u></p> <p>As EDF itself has acknowledged, the Proposed Decision did not allege that EDF violated Rule 1.1. Rather, the language incorporated in the Proposed Decision serves as a general reminder to all intervenors who engage consultants that the Commission relies on their representations regarding consultant agreements. This reference is not intended to imply any dishonesty, but rather to underscore the ethical obligation of integrity that all intervenors are expected to uphold.</p>
	<p><u>Consultant Status:</u></p> <p>EDF claims that the Proposed Decision inappropriately recategorizes Myers and Moss as consultants, without explaining why this change was made. EDF notes that Myers is an attorney and serves as outside counsel to EDF, and Moss is an expert.</p>	<p><u>Consultant Status:</u></p> <p>As outlined in Part III.D [2, 4] of this Proposed Decision, EDF submitted supplemental documentation confirming that Myers (outside counsel) and Moss (external consultant) provided services to EDF and issued billable invoices for their work.</p>

	<p>EDF states that the Proposed Decision does not provide information as to why these individuals should be identified as consultants. In EDF’s opinion, the structure of the Intervenor Compensation is designed so that it can hire outside expertise (such as regulatory attorneys or market experts) to help the Commission develop a full and robust record. EDF’s claim for making a substantial contribution has not been called into question in this Proposed Decision, and requests that the roles of “attorney” and “expert” be restored.</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 (pursuant to D.07-01-009, D.08-04-010, and Resolution ALJ-235). Accordingly, the Proposed Decision awarded EDF the hourly rate it was billed for Myers and Moss’ work.</p> <p>Because Moss and Myers are not employees of EDF, the rates awarded appropriately reflect their status in accordance with the guidelines under Resolution ALJ-393. Although EDF may not explicitly label them as “consultants,” the nature of their duties and the manner in which they are compensated clearly align with the definition of that role.</p>
	<p><u>Reductions:</u></p>	<p><u>Reductions:</u></p>

	<p>The Proposed Decision reduces all hours for Colvin, Myers, Moss, and Jermyn by 10% because EDF did not adequately demonstrate how the requested hours were apportioned among the issues. However, EDF claims that the descriptions in the Allocation of Hours clearly demonstrate which issues were worked on, that the nature of the issues addressed in this proceeding did not directly map into a scoping memo category, and that the Proposed Decision itself did not have distinct component parts that could allow EDF to map its time to demonstrate a substantial contribution. EDF requests that the Proposed Decision be modified to remove the 10% reduction made to the hours for Colvin, Myers, Moss, and Jermyn.</p>	<p>Pursuant to the Intervenor Compensation Program Guide at 14, “most of the professional work on the proceeding can and must be associated with the proceeding’s substantive issues.” While EDF lists the issue areas for time allocation (i.e Evidentiary Hearings, Coordination, General Hearing & Workshop), the time records submitted by EDF categorized the entries and tasks under “All,” without specific attribution to individual issue areas.</p> <p>The Intervenor Compensation Program Guide at 21 also emphasizes that intervenors must “show how the requested hours were apportioned among the issues on which you claim a substantial contribution (e.g., 30% of hours – issue A; 25% - B; etc.) <i>See</i> D.98-04-059 and D.85-08-012.”</p> <p>In light of these requirements, the disallowances applied to EDF’s claim is reasonable. Accordingly, no changes are made to the 10% reduction.</p>
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FINDINGS OF FACT

1. Environmental Defense Fund has made a substantial contribution to D.23-11-006.
2. The requested hourly rates for Environmental Defense Fund’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 reasonable compensation is \$74,006.30.

CONCLUSION OF LAW

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

ORDER

1. Environmental Defense Fund is awarded \$74,006.30.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company shall pay Environmental Defense Fund the total award. 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 March 13, 2024, the 75th day after the filing of Environmental Defense Fund'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 November 20, 2025, at San Francisco, California.

ALICE REYNOLDS
President
DARCIE L. HOUCK
JOHN REYNOLDS
KAREN DOUGLAS
Commissioners

Commissioner Matthew Baker recused himself from this agenda item and was not part of the quorum in its consideration.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D2511021	Modifies Decision?	No
Contribution Decision(s):	D2311006		
Proceeding(s):	A2112006 and A2112008		
Author:	ALJ Stephanie Wang		
Payer(s):	San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Environmental Defense Fund	12/29/2023	\$89,498.25	\$74,006.30	N/A	See Part III.D CPUC Comments, Disallowances, and Adjustments above.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Megan	Myers	Attorney ¹¹	\$490	2021	\$490.00
Megan	Myers	Attorney ¹¹	\$490	2022	\$490.00
Megan	Myers	Attorney ¹¹	\$490	2023	\$490.00
Michael	Colvin	Expert	\$490	2021	\$480.00
Michael	Colvin	Expert	\$515	2022	\$505.00
Michael	Colvin	Expert	\$540	2023	\$545.00
Steven	Moss	Expert ¹²	\$300	2022	\$300.00
Steven	Moss	Expert ¹²	\$300	2023	\$300.00
Cole	Jermyn	Paralegal	\$100	2021	\$100.00

¹¹ Myers serves as a consultant for EDF.

¹² Moss serves as a consultant for EDF.

Cole	Jermyn	Paralegal	\$115	2022	\$115.00
Cole	Jermyn	Attorney	\$175	2023	\$175.00

(END OF APPENDIX)