

Decision 25-11-022 November 20, 2025

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Establish Policies, Processes, and Rules to Ensure Safe and Reliable Gas Systems in California and perform Long-Term Gas System Planning.

Rulemaking 20-01-007
(Filed January 16, 2020)

**DECISION GRANTING COMPENSATION TO
ENVIRONMENTAL DEFENSE FUND
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 24-09-034**

Intervenor: Environmental Defense Fund	For contribution to Decision (D.) 24-09-034
Claimed: \$18,017.30	Awarded: \$12,310.00
Assigned Commissioner: Karen Douglas	Assigned ALJs: David Van Dyken and Robyn Purchia

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision Partially Granting the Petition to Modify Decision 22-12-021 and Closing Proceeding
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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:	March 24, 2020	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	April 9, 2020	Verified
4. Was the NOI timely filed?		Yes

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

	Intervenor	CPUC Verification
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	Verified, R.20-01-007 has the latest showing.
6. Date of ALJ ruling:	February 25, 2013	May 29, 2020 in R.20-01-007
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:	D.21-11-017	D.21-11-017 is not a valid proceeding number. R.20-01-007 has the latest showing.
10. Date of ALJ ruling:	November 19, 2021	The correct date is May 29, 2020; note that the date of the ALJ ruling for “significant financial hardship” needs to be issued earlier in the current proceeding or within one year prior to the commencement of the current proceeding to be compliant with Section 1804(b)(1). Therefore, November 19, 2021 would not be an eligible date.
11. Based on another CPUC determination (specify):	N/As	
12. Has the Intervenor demonstrated significant financial hardship?		Yes

	Intervenor	CPUC Verification
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.24-09-034	Verified
14. Date of issuance of Final Order or Decision:	October 2, 2024	Verified
15. File date of compensation request:	December 2, 2024	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.	Verified. We remind EDF that they must provide the correct date and docket number of the prior finding of significant financial hardship according to CPUC Program Guide pg. 13 to ensure compliance with Section 1804(b)(1).

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
EDF, in collaboration with other co-petitioners, argued that the safety exemptions provided in GO 177 allow overly broad interpretations by the utilities. (Petition for Modification at 4-6) EDF and other co-petitioners further developed this point in the comments on the proposed decision. (Comments of California Environmental Justice Alliance, Environmental Defense Fund, Sierra Club, Southern California Generation Coalition, and The Utility Reform Network on the Proposed Decision, filed Sep 12, 2024, at 2-5)	The Commission found this to be a timely request on the part of the petitioners, but did not agree with the arguments provided; EDF and the co-petitioners, however, developed the record on this matter. (Decision at 9) The Commission, while appreciating the attention brought to the issue by the petitioners, did not agree with the arguments provided; EDF and the co-petitioners, however, developed the record on this matter. (Decision at 21)	Verified

EDF, in collaboration with other co-petitioners, argued that the current safety exemptions prevent the Commission from effectively meeting the intent and objectives of GO 177. (Petition for Modification at 6-8)	The Commission found this to be a timely request on the part of the petitioners, but did not agree with the arguments provided; EDF and the co-petitioners, however, developed the record on this matter. (Decision at 9).	Verified
EDF, in collaboration with other co-petitioners, argued that “project” as defined under GO 177 should be specified to prevent piecemealing by the utilities. (Petition for Modification at 12-14)	The Commission found this to be a timely request on the part of the petitioners, but did not agree with the arguments provided; EDF and the co-petitioners, however, developed the record on this matter. (Decision at 10-11).	Verified
EDF, in collaboration with other co-petitioners, argued that timing of the workshops to be modified to be held within 60 days of the annual reports. (Petition for Modification at 15-16)	The Commission found this to be a timely request on the part of the petitioners, and granted the request. (Decision at 11-12).	Verified
EDF, in collaboration with other co-petitioners, argued that utilities should be required to file advice letters following their 2025 reports of planned gas investments. (Petition for Modification at 16-18)	The Commission found this to be a timely request on the part of the petitioners, and granted the request. (Decision at 12).	Verified
EDF, in collaboration with other co-petitioners, argued that utilities should be required to file advice letters when request for party comments are not accepted. (Petition for Modification at 16-18)	The Commission found this to be a timely request on the part of the petitioners, but did not agree with the arguments provided; EDF and the co-petitioners, however, developed the record on this matter. (Decision at 12-15).	Verified
EDF, in collaboration with other co-petitioners, argued that utilities should be required to describe project alternatives in greater detail to include their environmental impacts.	The Commission found this to be an untimely request on the part of the petitioners; EDF and the co-petitioners, however, developed the record on this matter.	Verified

(Petition for Modification at 14-15)	(Decision at 17-18).	
EDF, in collaboration with other co-petitioners, highlighted the lack of clear process to dispute or appeal utilities' safety exemption claims. (Petition for Modification at 4)	The Commission acknowledged this concern and provided clarification on the Commission's complaint process. "Separately, we recognize that the Petitioners and the Center for Accessible Technology requested guidance about disputing or appealing a gas utility's safety exemption claim. We clarify that GO 177, Section VII and Rule 4.1(a)(1) explicitly allow entities, such as the Petitioners and the Center for Accessible Technology, to file a complaint with the Commission to resolve any alleged violations." (Decision at 9).	Verified

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: California Environmental Justice Alliance (CEJA), Sierra Club, Southern California Generation Coalition (SCGC), and The Utility Reform Network (TURN)		Noted
d. Intervenor's claim of non-duplication: EDF took a leadership role on identifying these issues, worked collaboratively with other co-petitioners in submitting the petition for modification of Decision 22-12-021. EDF also submitted joint reply comments with other co-petitioners on March 11, 2024, following responses to the petition for modification, as well as joint comments on the proposed decision filed September 12, 2024.		Noted

	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
Within these collaborative efforts, EDF highlighted the specific context of decreasing gas demand in California and the parallel, increasing risk of stranded gas assets this trend poses. This unique, significant, and non-duplicated contribution is best evidenced in EDF's reply comments to the proposed decision filed September 17, 2024. EDF's collaboration led to a more efficient disposition of the issue before the Commission, and we ensured that we brought unique matters into the collaborative effort.		

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
a. Intervenor's claim of cost reasonableness: EDF requests a total intervenor compensation claim of \$18,017.30. This is reasonable for the scale of the proceeding, number of issues presented, and also given the fact that EDF addressed unique environmental issues in the proceeding that required research, evidence, testimony and briefing that could not otherwise be shared across intervenors.	Noted
b. Reasonableness of hours claimed: <u>Attorney Time:</u> EDF devoted a total of approximately 16.3 hours of attorney time for work performed by EDF's attorney, Elizabeth Kelly. This is reasonable for the scale of the proceeding and wide range of issues presented in the proceeding. <u>Expert Time:</u> EDF utilized approximately 5.9 hours of the expert time of Mr. Colvin, EDF's Director of Regulatory and Legislative Affairs, California Energy Program. EDF also utilized 5.7 hours of expert time of Mr. Seong, EDF's senior analyst. This is reasonable in light of the issues presented, particularly the issues uniquely raised by EDF including:	Noted

	CPUC Discussion
c. Allocation of hours by issue: Preparing Petition for Modification (including response comments): 70% Preparing comments on the Proposed Decision (including reply comments): 30%	Noted

B. Specific Claim:*

CLAIMED						CPUC AWARD [5]		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Elizabeth Kelly	2024	16.30	\$690	Median Intervenor Compensation Rate for Attorney V; with 5% COLA adjustment	11,247	12.80 [1]	\$650 [2]	\$8,320.00
Michael Colvin	2024	5.90	\$737	Median Intervenor Compensation Rate for Public Policy Analyst V; with 5% COLA Adjustment	4,348.30	3.50 [1]	\$590 [3]	\$2,065.00
Joon Hun Seong	2024	5.70	\$346	D.24-03-028; 5% COLA Adjustment	1,972.2	5.70	\$275 [4]	\$1,567.50
Subtotal: \$17,567.50						Subtotal: \$11,952.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Joon Hun Seong	2024	2.60	\$173	D.24-03-028; 5% COLA Adjustment	449.80	2.60	\$137.50 [4]	\$357.50
Subtotal: \$449.80						Subtotal: \$357.50		

CLAIMED		CPUC AWARD [5]	
TOTAL REQUEST: \$18,017.30		TOTAL AWARD: \$12,310.00	
*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. 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. **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 ²	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Elizabeth Kelly	12/28/2009 (CA) 3/5/2007 (NY)	268401 (CA) 4488938 (NY)	No

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

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Comment 1	Resume of Elizabeth Kelly
Comment 2	Resume of Michael Colvin
Comment 3	Resume of Joon Hun Seong
Comment 1	Rate for Elizabeth Kelly, Attorney Ms. Kelly's legal energy experience (15+ years) and expert energy economics and rate design experience prior to becoming an attorney are set forth on her resume, Attachment B. Above the midpoint of the range is appropriate for Ms. Kelly due to her unique and extensive energy and regulatory experience, including:

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

³ Attachments not attached to the final Decision.

Attachment or Comment #	Description/Comment
	• Her economics degree which allows for a greater degree of understanding of financial and technical matters before the Commission; • Her experience in energy economic and rate design consulting which contributes to her substantive knowledge in energy; • The extent and depth of her experience in energy and project finance transactions; • Her experience in launching MCE, California's first Community Choice Aggregator, which required extensive legal and regulatory advocacy, in many cases without specific precedent before the California Public Utilities Commission; • Her experience serving clients specifically before the California Public Utilities Commission; and • Her service within energy and legal groups that have advanced her knowledge and experience, including: ○ Founder of the San Francisco Women General Counsel Circle ○ 2018 National Association of Women Lawyers General Counsel Institute, Member of Planning Committee and Workshops Subcommittee ○ 2017 National Association of Women Lawyers General Counsel Institute, Member of Planning Committee, Workshops Subcommittee, and Logistics Subcommittee. ○ 2016 CAISO Energy Imbalance Market Governing Body Nominating Committee, Public Interest and Consumer Advocate Committee Member ○ 2015 CAISO Board of Governors Nominee Review Committee, End User and Retail Provider Committee Member
Comment 2	Rate for Michael Colvin, Expert

Attachment or Comment #	Description/Comment
	Michael Colvin spent over 10 years at the California Public Utilities Commission and another 6 at Environmental Defense Fund. Given his experience he is classified as public policy analyst V
Comment 3	Rate for Joon Hun Seong, Expert Joon Hun Seong has worked as a regulatory analyst at Environmental Defense Fund for over two years. He received a Master's in Public Policy from UC Berkeley and has two years of previous policy analysis experience working for American Solar Partners, a solar developer based in Mt. Vernon, New York. Given his academic qualifications and professional experience, he is classified as public policy analyst IV. The rate claimed is based on previously awarded rates in D.24-03-028 with 5% COLA adjustment.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Disallowances	Work on GO 177 filings submitted after the PFM was filed on 2/9/24 were not relevant to the record supporting the PFM and therefore did not contribute to the decision-making process, so the following hours are reduced: • Colvin 5/22/24: Attend GO 177 workshop (2.4) • Kelly 5/22/24: GO 177 workshop (2.4) • Kelly 6/5/24: Joint Comments on G.O. 177 Reports and Workshop (1.1) With the reductions noted, below are the new hourly totals: • Colvin 2024: 3.5 • Kelly 2024: 12.80
[2] Elizabeth Kelly Hourly Rate	Earlier in this proceeding R.20-01-007, EDF confirmed that Elizabeth Kelly is a consultant by submitting supplemental documentation upon request by the Commission on May 16, 2024. EDF confirms that they have made preliminary payments to Ms. Kelly, while the remainder is to be paid upon award of intervenor compensation. 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

Item	Reason
	level.⁴ 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)). EDF has confirmed that Elizabeth Kelly serves as a consultant for EDF under contract on a contingency basis, meaning Elizabeth Kelly has agreed to defer all, or part of her 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 Elizabeth Kelly’s experience for work in this proceeding. In 2024, Ms. Kelly has 15+ years of experience as an attorney, specializing in regulatory and environmental law, which qualifies her for an hourly rate in the role of Legal – Attorney – Level V. Given the 2024 rate range for Attorney V (\$560.95 - \$773.67), we find the 2024 hourly rate of \$650 to be reasonable and we adopt it here. 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 the final award is given. We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the contract, to adhere to the Commission’s policy on compensation for consultant fees, and to provide the appropriate documentation with the <i>initial</i> claim to ensure efficient processing, and thus avoid the need for the Commission to request supplemental documentation.
[3] Michael Colvin Hourly Rate	D.25-09-025 verified a 2024 rate of \$590 for Michael Colvin as an Expert - Public Policy Analyst – V. We apply the same rate here.
[4] Joon Hun Seong Hourly Rate	D.25-09-025 verified a 2024 rate of \$275 for Joon Hoon Seong as an Expert – Public Policy Analyst – III. We apply the same rate here.
[5] Intervenor Responsibility	The Commission takes this opportunity to remind all intervenors that they bear the burden of providing accurate, complete, and truthful information in

⁴ D.07-01-009, D.08-04-010, and \Resolution ALJ-235.

Item	Reason
for Transparency and Accuracy in Compensation Requests	all compensation requests.⁵ The Commission relies on intervenors' good faith representations, particularly regarding consultant agreements and payments⁶, as it does not have the resources to review every contract or non-standard arrangement in detail. 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. The Commission has clear authority to audit intervenors' books and records to verify the basis for any award. Intervenors 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.

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. Environmental Defense Fund has made a substantial contribution to D.24-09-034.
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, and/or reflect the actual rates billed to, and paid by the intervenor, for consultant services rendered.

⁵ CPUC Rules of Practice & Procedure Rule 1.1

⁶ Resolution ALJ-235 at page 4 established the policy that "the rates intervenors request for the use of outside consultants (attorneys and experts) may not exceed the actual rates billed to the intervenors by the consultants, even if the consultants' rates are below the floor for any given experience level."

3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$12,310.00.

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 \$12,310.00.
2. Within 30 days of the effective date of this decision Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southwest Gas Corporation shall pay Environmental Defense Fund their respective shares of the award, based on their California-jurisdictional gas 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 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 February 15, 2025, 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:	D2511022	Modifies Decision?	No
Contribution Decision(s):	D2409034		
Proceeding(s):	R2001007 (OIR for Long-term Gas System Planning)		
Author:	ALJ Van Dyken and ALJ Purchia		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southwest Gas Corporation		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Environmental Defense Fund	12/2/2024	\$18,017.30	\$12,310.00	N/A	See Part III D. CPUC Comments, Disallowances, and Adjustments.

Hourly Fee Information

First Name	Last Name	Labor Role	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Elizabeth	Kelly	Attorney ⁷	690.00	2024	\$650
Michael	Colvin	Expert	737.00	2024	\$590
Joon Hun	Seong	Expert	346.00	2024	\$275

(END OF APPENDIX)

⁷ Consultant to EDF