

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

**DECISION GRANTING COMPENSATION TO ENVIRONMENTAL DEFENSE FUND
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 23-02-040**

Intervenor: Environmental Defense Fund (EDF)	For contribution to Decision (D.) 23-02-040
Claimed: \$56,975.75 ¹	Awarded: \$42,804.50
Assigned Commissioner: Alice Reynolds ²	Assigned ALJs: Julie A. Fitch and Colin Rizzo ³

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.23-02-040 resolves two items. First, the decision orders an additional 4,000 megawatts (MW) of net qualifying capacity for 2026-27. Second, the decision recommends electricity resource portfolios to the California independent System Operator (CAISO) to study in its 2023-24 Transmission Planning Process.
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¹ The correct amount requested is \$56,975.79.

² This proceeding was reassigned to Commissioner Alice Reynolds on January 6, 2023.

³ ALJ Colin Rizzo was co-assigned to this proceeding on March 19, 2025.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:⁴

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	July 14, 2020	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	<p>Per the Order Instituting Rulemaking Ordering Paragraph 9, parties previously found to be eligible for intervenor compensation in Rulemaking 16-02-007 did not need to re-submit a notice of intent in this Rulemaking. EDF previously submitted a NOI in R.16-02-007 and has been awarded intervenor compensation both in that rulemaking and in this Rulemaking for prior decisions.</p> <p>The Commission confirmed this in granting EDF an award for substantial contribution in D.22-11-037. In that decision, the Commission determined that EDF previously submitted a NOI on 3/27/14 in the original R.13-12-010 proceeding, which turned into R.16-02-007 and subsequently into R.20-05-003.</p> <p>EDF further notes, consistent with the language in D.22-11-037, that there are no changes to its by-laws or financial status.</p>	Verified. EDF filed a NOI in proceeding R.16-02-007 on May 19, 2016.
4. Was the NOI timely filed?		Yes

⁴ 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.20-01-007	Verified
6. Date of ALJ ruling:	May 29, 2020	Verified
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.20-01-007	Verified
10. Date of ALJ ruling:	May 29, 2020	Verified
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.23-02-040	Verified
14. Date of issuance of Final Order or Decision:	2/28/2023	Verified
15. File date of compensation request:	5/1/2023	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
1-3	EDF was not required to file an NOI in this proceeding because EDF was found eligible to request compensation in R.16-02-007. See, e.g., D.20-02-066 (Feb. 28, 2020) and D.22-11-037. Per the OIR Ordering Paragraph #9 (“Parties who were previously found eligible to request compensation in R.16-02-007 shall remain eligible in this proceeding and do not need	Verified. R.20-05-003, filed May 7, 2020, states: “Parties who were previously found eligible to request compensation in R.16-02-007 shall remain eligible in this proceeding and do not need to file an NOI within 30 days, provided there are no material changes in their by-laws or financial status.” See Order Instituting

#	Intervenor's Comment(s)	CPUC Discussion
	to file an NOI within 30 days, provided there are no material changes in their by-laws or financial status.") EDF has not made any changes to its by-laws or financial status.	Rulemaking at 20 and 22.

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 timely submitted comments in response to the September 8, 2022 ALJ Ruling that the Commission should encourage additional procurement for mid-term reliability. EDF suggested additional steps that the Commission could take to encourage procurement.	Comments in response to the September 8, 2022 ALJ ruling were timely filed no later than September 26, 2022 by the following parties... Environmental Defense Fund (page 4)	Noted. <i>See</i> Part III.D, CPUC Comments, Disallowances and Adjustments [1].
2. EDF timely submitted reply comments to the September 8, 2022 ALJ Ruling on October 6, 2022	Timely reply comments were filed in response to the September 8, 2022 ALJ ruling by no later than October 6, 2022 by the following parties... EDF... (page 4)	Noted. <i>See</i> Part III.D, CPUC Comments, Disallowances and Adjustments [1].
3. EDF timely submitted comments in response to the October 7, 2022 ALJ Ruling on the staff recommendations to be used for the forthcoming Transmission Planning Process. EDF encouraged the most aggressive GHG emissions reductions scenario.	The following parties timely filed comments on or before October 31, 2022, in response to the October 7, 2022 ASLJ Ruling: ... EDF (page 5)	Noted. <i>See</i> Part III.D, CPUC Comments, Disallowances and Adjustments [1].
4. EDF timely submitted reply comments to the October 7, 2022 ALJ Ruling on November 10, 2022.	The following parties timely filed reply comments on or before November 10, 2022, in response to the October 7, 2022 ALJ Ruling:... EDF	Noted. <i>See</i> Part III.D, CPUC Comments, Disallowances and

		Adjustments [1].
5. Mid-term Procurement Issues: Potential Baseline Resource Adjustments (Section 2.2)	<p>“EDF supports the proposed baseline modification, with a modification to allow baseline resources that have come online between January 1, 2020 and now to count towards LSEs’ procurement obligations without adding an amount of NQC equivalent to the capacity of these resources to future LSE procurement obligations. EDF notes that the Commission should modify the proposal to ensure that the amount of NQC equivalent to the capacity of all baseline resources not online as of January 1, 2020 should be added to the LSE’s 2025 procurement obligations to ensure no reduction in system reliability.” (page 14)</p> <p>As stated in Section 2.2.2, “After consideration of parties’ input, we will adopt a “swap” process that allows an LSE to nominate a project on the D.19-11-016 and/or D.21-06-035 baseline generator list to be considered for removal. An equal amount of procurement obligation (in NQC) will then be added to the LSE’s 2025 procurement obligation under the provisions of D.21-06-035. This new “swap” process will be in addition to the process that is already available to LSEs if their request meets the criteria established by Commission staff in a prior guidance document.” EDF asserts that the Commission considered our comments in determination of this swap process.</p>	Verified
6. Mid-Term Reliability: Additional Procurement Requirements (Section 2.3)	“EDF supports the [CalAdvocates] proposal, as long as the order will not divert Commission resources away	Verified

	<p>from the development of the Reliable and Clean Power Procurement Program. EDF is concerned about the Commission becoming stuck in a cycle of ad hoc, interim procurement orders.” (page 23)</p> <p>The Commission agreed with EDF although they did not fully adopt our recommendation. “All of the factors putting pressure on system reliability remain in effect. As much as we would like to agree with EDF that we should focus on development of a programmatic approach to procurement, we also are convinced that we cannot wait for that larger process to be complete before ordering additional procurement. In 2022, the electric system came very close to running out of resources, and it actually did run out in 2020. The system is much closer to a supply and demand balance than is comfortable for reliability purposes.” (page 25)</p>	
<p>7. Base Case Portfolio: GHG and Load Assumptions (Section 3.1.1)</p> <p>This section implemented the base case scenario to use a 30MMT GHG base case, with higher electrification load assumptions. EDF has routinely called for this scenario selection through the entire proceeding and did so again directly in response to the ALJ rulings.</p>	<p>“The clear majority of parties in this proceeding support the staff recommendation to use a 30 MMT GHG base case, with the higher electrification load assumptions. Those parties supporting include: ACP-CA, Avangrid Renewables, CAISO, CalCCA, Cal Advocates, CalWEA, CEERT, CESA, CEJA, Sierra Club, Western Grid, DOW, Golden State, GridLiance, Geothermal Rising, GPI, EDF, EDF Renewables, NRDC, SDG&E, and SEIA.” (page 49)</p> <p>“For the 2023-2024 TPP, we will adopt the staff recommendation to use the 30 MMT GHG scenario in 2030, with load</p>	Verified

	based on the CEC’s 2021 IEPR Additional TE scenario.” (page 50)	
8. Planning Horizon extended to 12 years instead of 10 (Section 3.1.2)	<p>“Several parties explicitly support mapping out to 2035, as suggested by Commission staff, including CalCCA, CalWEA, CESA, EDF, GridLiance, Geothermal Rising, and Golden State.” (page 51)</p> <p>The Commission agreed with EDF. “For this TPP cycle, we will keep the 2035 planning year, in keeping with the Commission staff recommendation. CAISO is still in the process of conducting its stakeholder process to formally extend its study timelines consistent with SB 887 requirements. In general, current planning tools and processes between the Commission, CEC, and CAISO require additional work before transmission investments should be made on their basis beyond the 12-year horizon adopted here. The 2035 planning year is in current alignment with the CEC and CAISO processes, and we will continue to stay coordinated as all of our planning processes evolve.” (page 51)</p>	Verified
<p>9. Offshore wind amount, location and timing (section 3.1.3)</p> <p>EDF encouraged the Commission to plan for enough offshore wind to align with the goals established in Assembly Bill 525.</p>	<p>“ACP-CA and EDF focused on aligning with AB 525 goal amounts;” (page 52)</p> <p>“OWC, EDF, and NRDC also comment on the long development times and potential for delays, arguing that those require starting as early as possible to develop the transmission.” (page 53)</p> <p>In response, the Commission states: “For purposes of the base case, we will maintain the 4.7 GW of offshore wind, divided between the Morro Bay and Humboldt call areas, as recommended</p>	Verified

	<p>by Commission staff in the October 7, 2022 ALJ ruling. We will also continue to monitor and participate in the AB 525 effort to ensure that offshore wind amounts in future base cases consider the planning goals in the AB 525 strategic plan that is due to be released later this year.” (page 53)</p> <p>In response to our comments on transmission, the Commission states: “With respect to the comments about optimizing transmission buildout for offshore wind, our hope is that the offshore wind sensitivity portfolio described in Section 3.2 below will further assist for transmission planning purposes. The CAISO will be able to use the results of that sensitivity analysis to guide optimal transmission development on the north coast, both for the 2023-2024 base case and for future portfolios.” (page 54)</p>	
<p>Other proposed sensitivities (section 3.2.3)</p> <p>EDF suggests modeling a sensitivity that accelerates gas retirements</p>	<p>“CEJA and Sierra Club, as well as EDF, suggest a gas retirement scenario. CAISO supports this concept for future cycles, but not for 2023-2024 due to limited resources.” (page 63)</p> <p>In response, the Commission said: “We agree that several of these scenarios would be interesting and informative. We continue to explore, in particular, information about potential natural gas plant retirements, and we understand the Diablo Canyon situation is under examination in broader venues. However, we understand from the CAISO that sensitivity analysis is time intensive. Therefore, due to time constraints on our side and at the CAISO, at this time we will not</p>	Verified

	recommend an additional sensitivity portfolio for study in the 2023-2024 TPP. We will continue to explore these recommendations for next year's TPP sensitivity portfolios." (page 64)	
Comments on the proposed decision submitted on February 2, 2023	<p>In response to the 30MMT target, the Commission said "Nearly all parties, including all LSEs, AEU, CalWEA, DOW, EDF, and LS Power, support the Commission's recommendation of the 30 MMT GHG target by 2030 as the base case portfolio for the CAISO to analyze in this TPP." (page 76)</p> <p>In response to our continued encouraged to retire gas plants, the Commission said: "Several parties, including CEJA and Sierra Club, CEERT, EDF, and PCF, continue to advocate that we develop a sensitivity portfolio, at least for the next TPP cycle, that evaluates the potential for additional or all natural gas generating units to retire by 2030 or 2035. CalCCA also advocates that we examine the potential for retirement of fossil-fueled resources in local areas. CEJA and Sierra Club also specifically refer to SB 887 which requires us to look at ways to reduce the need to rely on nonpreferred resources in local capacity areas. We acknowledge this requirement and our intent to collaborate with the CAISO to meet it. The importance of planning for additional natural gas plant retirements has been a priority for us for some time and Commission staff have begun work to develop this type of analysis. The analysis is complex, and we commit to beginning a process for stakeholder input on it in 2023. If it is ready, we will include it in consideration for a sensitivity analysis in the next TPP cycle." (page 77-78)</p>	Verified

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocates 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: Union of Concerned Scientists, Natural Resources Defense Council		Noted
d. Intervenor's claim of non-duplication: EDF conferred with but ultimately could not reconcile its positions with the above mentioned similarly aligned parties. Given the large number of parties actively engaged in the case, if any duplication of effort occurred, it was unavoidable due to the large number of parties actively engaged in the case. EDF's comments were neither unproductive nor unnecessary because they substantially assisted the Commission's deliberations and decision making. EDF worked diligently to ensure that its involvement uniquely influence the outcome of the final Decision.		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 the scope and complexity of the issues presented in this rulemaking and the proposed procurement requirements. EDF worked diligently throughout the process to only spend a reasonable and prudent amount of time. EDF had one point person for legal arguments, one supervising attorney and one point person for policy arguments to ensure efficient disposition of our advocacy.	Noted
b. Reasonableness of hours claimed: Given the size and scope of issues at hand, EDF's claim of 44.6 hours for GHG related issues, 70.9 hours for 23 procurement needs and 32.1 hours for the transmission planning process is reasonable.	Noted. <i>See</i> Part III.D, CPUC Comments, Disallowances and Adjustments.
c. Allocation of hours by issue: Baseline resources issues (GHG): 44.6 hours Mid-term procurement needs (23PN): 70.9 hours	Noted; GHG: 28.74% 23PN: 45.68%

	CPUC Discussion
Approval of the base case and sensitivity case for the TPP: 32.1 hours EDF has excluded from this calculation all work related to procurement framework since it was not addressed in this decision, although the rulings covered to allude to the topic.	TPP: 20.68% IC: 4.90%

B. Specific Claim: *

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Yochi Zakai (YZZ)	2022	26.5	515	2021 rate and 5% step increase per D.07-01-009; please add escalation rate (a.k.a. COLA)	\$ 13,647.50	16.10 [5,6]	\$510.00 [2,10]	\$8,211.00
Orran Balagopalan (OGB)	2022	59.2	275	ALJ-393; Attorney I	\$ 16,280.00	48.45 [5,7]	\$235.00 [3,10]	\$11,385.75
Michael Colvin (MRC)	2022	21.5	515	2021 rate and 5% step increase per D.07-01-009; please add escalation rate (a.k.a. COLA)	\$ 11,072.50	17.75 [5,9]	\$505.00 [4]	\$8,963.75
Yochi Zakai (YZZ)	2023	3.4	540.75	Use of 2021 rate + 5% increase for COLA	\$ 1,838.55	3.40	\$535.00 [2,10]	\$1,819.00
Orran Balagopalan (OGB)	2023	30.5	288.75	Use of 2021 rate + 5% increase for COLA	\$ 8,806.88	29.00 [8]	\$245.00 [3,10]	\$7,105.00
Michael Colvin (MRC)	2023	6.5	540.75	Use of 2021 rate + 5% increase for COLA	\$ 3,514.88	6.50	\$545.00 [4]	\$3,542.50
Subtotal: \$55,160.30						Subtotal: \$41,027.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$

Yochi Zakai (YZZ)	2023	1.7	\$ 270.38	Claimed 2023 rate at 50%	\$ 459.64 ⁵	1.70	\$267.50 [2,10]	\$454.75
Orran Balagopalan (OGB)	2023	1.9	\$ 144.38	Claimed 2023 rate at 50%	\$ 274.31 ⁶	1.90	\$122.50 [3,10]	\$232.75
Michael Colvin (MRC)	2023	4	\$ 270.38	Claimed 2023 rate at 50%	\$ 1,081.50 ⁷	4.00	\$272.50 [4]	\$1,090.00
Subtotal: \$1,815.45 ⁸						Subtotal: \$1,777.50		
TOTAL REQUEST: \$56,975.75 ⁹						TOTAL AWARD: \$42,804.50		
<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 ¹⁰		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation			
Orran Balagopalan	12/1/2021		#341508		NO			
Yochanan Zakai	Mr. Zakai is a member of the Oregon state bar ¹¹		12					

⁵ Zakai's correct 2023 Intervenor Compensation Claim Preparation total is \$459.65.

⁶ Balagopalan's correct 2023 Intervenor Compensation Claim Preparation total is \$274.32

⁷ Colvin's correct 2023 Intervenor Compensation Claim Preparation total is \$1,081.52

⁸ The correct Intervenor Compensation Claim Preparation subtotal is \$1,815.49.

⁹ The correct Intervenor Compensation Claim Preparation total is \$56,975.79.

¹⁰ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

¹¹ Zakai was admitted to the Oregon State Bar on February 25, 2013.

¹² Zakai's member number is 130369.

C. Attachments Documenting Specific Claim and Comments on Part III¹³:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	<p>Biography of Expert and Attorneys</p> <p>Yochanan Zakai is an associate at Shute, Mihaly, and Weinberger. He graduated from the University of Oregon School of Law in 2012 and then worked as a policy advisor for the Washington State Utilities and Transportation Commission for four years. He was admitted to the Oregon State Bar in 2013. His relevant experience includes clerkships with the Hawaii Public Utilities Commission, Oregon’s utility ratepayer advocate, and the Bonneville Power Administration, as well as an externship with a wind turbine manufacturer and two years representing a municipal electric utility. Mr. Zakai has a national practice of administrative law focused on utility regulation. Mr. Zakai has represented clients in various CPUC proceedings including R.19-01-006 (wildfire cost recovery, representing Protect Our Communities Foundation or PCF), R.17-06-026 (power cost indifference recovery adjustment, representing PCF), R.17-07-007 (interconnection of distributed energy resources, representing the Interstate Renewable Energy Council), R.16-02-007 & R.20-05-003 (integrated resource planning, representing EDF), and R.14-08-013 & R.21-06-017 (distribution resource planning, representing the Interstate Renewable Energy Council). He has also appeared representing clients before the Bonneville Power Administration, California Independent System Operator, Colorado Public Utilities Commission, Massachusetts Department of Public Utilities, Michigan Public Service Commission, Minnesota Public Utilities Commission, and Washington State Utilities and Transportation Commission.</p> <p>Resolution ALJ-393 reaffirmed that, as a matter of policy, lawyers “licens[ed] by any jurisdiction within the United States” are eligible for compensation at attorney rates. Although Draft Resolution ALJ-393 originally proposed requiring attorneys to be licensed in California, the final version removed this requirement in response to comments from TURN emphasizing that attorneys like Mr. Zakai with a national practice bring “unique value to the Commission’s proceedings because of their national perspective.”</p> <p>Mr. Zakai has a national practice of administrative law focused on utility regulation and represents clients in multiple proceedings before both the CPUC and other utility commissions across the country. Considering his specialized “experience with areas of law and procedures relevant to CPUC</p>

¹³ Attachments not included in final Decision.

Attachment or Comment #	Description/Comment
	<p>matters, such as environmental law or utility regulation” and the national perspective he provides, a rate of \$515 for 2022 and \$540.75 for 2023 for his work is reasonable.</p> <p>Michael Colvin is the Director, Regulatory and Legislative Affairs, California Energy Program, Environmental Defense Fund. He has a Bachelor of Science and master’s degree in Public Policy, both from the University of California, Berkeley. His relevant experience includes a decade of work at the California Public Utilities Commission (from 2008-2018) both as staff and as policy advisors to former Commissioners Ferron and Sandoval. In addition to his work before the CPUC, Mr. Colvin is also an active participant at the California legislature, California Air Resources Board, California Energy Commission, and the California Independent System Operator. Mr. Colvin has appeared before the Commission as a policy expert and advocate in several proceedings, including R.19-01-011 (Building Decarbonization), R.13-02-008 (Biomethane Procurement Standards), R.18-12-006 (Transportation Electrification Framework), R.20-01-007 (long term gas planning docket), R.20-08-022 (Clean Energy Financing). Mr. Colvin also appears before the Commission in a variety of utility specific matters, including Applications 19-02-006 (Voluntary RNG tariff), A.20-10-011 (PG&E’s dynamic rate for commercial electric vehicles) and A.19-07-006 (SD&GE electric vehicle dynamic rate design). Mr. Colvin has 15 years of experience, placing him at top end of Level IV, which ranges from 10-15 years of experience. The range for this classification is from \$260-490, with a median of \$370. Given Mr. Colvin’s expertise working on California energy legislation and his many years of experience working at the California Public Utilities Commission on a variety of different environmental and energy regulatory matters, a rate at the top of the range is reasonable.</p>
3	By-laws of EDF

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Compliance with the Intervenor Compensation (IComp) Program Guide	<p>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 in and of itself does not constitute substantial contribution. A substantial contribution includes evidence or argument that supports part of the decision, even if the CPUC does not adopt a party’s position in total. <i>See</i> the IComp Program Guide at 17 and § 1802(j).</p> <p>Additionally, we remind EDF to include “a citation to the specific portion of</p>

	the CPUC's order or decision indicating that the CPUC has adopted in whole or in part your contentions or recommendations. Citations must include the referenced document's name, date, and page/portion(s)." See IComp Program Guide at 20.
[2] Zakai's 2022 and 2023 Hourly Rates	<p>EDF has confirmed that Zakai 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 level¹⁴. 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>EDF has confirmed that per the terms of their contract, Zakai has been hired on a contingency rate basis, meaning that Zakai has agreed to defer their 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 Zakai's experience as an Attorney III. Given that the 2022 rate range for Attorney III is \$323.46 to \$533.18, we find the requested 2022 hourly rate of \$515.00 to be excessive. Based on Zakai's experience, we determine that an hourly rate of \$510.00 is more reasonable, and approve it here.</p> <p>Given that the 2023 rate range for Attorney III is \$342.53 to \$552.25, we find the requested 2023 hourly rate of \$540.75 to be excessive. Based on Zakai's experience, we determine that an hourly rate of \$535.00 is more reasonable, and approve it here.</p> <p>The award determined herein for Zakai contribution in this proceeding shall be paid in full to Zakai, and no portion of this part of the award shall be kept by EDF. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission's policy on consultant compensation, and the understanding that the consultant has not billed or collected compensation for the work performed until the final award is given.</p> <p>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 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</p>

¹⁴ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

	documentation pertaining to the contract terms between Intervenor and Consultant in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.
[3] Balagopalan's 2022 and 2023 Hourly Rates	<p>Upon further review, the Commission has determined that Balagopalan 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 level¹⁴. 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>EDF has confirmed that per the terms of their contract, Balagopalan has been hired on a contingency rate basis, meaning that Balagopalan has agreed to defer their 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 Balagopalan's experience as a Attorney I. Given that the 2022 rate range for Attorney I is \$182.69 to \$307.19, we find the requested 2022 hourly rate of \$275.00 to be excessive. Based on Balagopalan 's experience, we determine that an hourly rate of \$235.00 is more reasonable, and approve it here.</p> <p>Given that the 2023 rate range for Attorney I is \$193.45 to \$317.95, we find the requested 2023 hourly rate of \$288.75 to be excessive. Based on Balagopalan 's experience, we determine that an hourly rate of \$245.00 is more reasonable, and approve it here.</p> <p>The award determined herein for the Balagopalan contribution in this proceeding shall be paid in full to Balagopalan, and no portion of this part of the award shall be kept by EDF. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission's policy on consultant compensation, and the understanding that the consultant has not billed or collected compensation for the work performed until the final award is given.</p> <p>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 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 Intervenor and Consultant in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
[4] Colvin's	D.24-05-026 approved a 2022 hourly rate of \$505.00 for Colvin.

2022 & 2023 Hourly Rates	D.25-08-047 approved a 2023 hourly rate of \$545.00 for Colvin.
[5] 2022 <u>Reductions for Excessiveness</u>	<p><u>2022 Reductions Due to Excessiveness - Zakai (5.00 hours); Balagopalan (10.00 hours); Colvin (3.00 hours):</u> While EDF's arguments were helpful, the number of hours claimed is excessive relative to their impact. The time claimed here is disproportionate to the reasonable amount of effort required for that contribution. Furthermore, the burden of proof is on the intervenor to show that each of the hours claimed was spent productively making a substantial contribution to the decision. In this instance, EDF failed to prove that. Accordingly, we reduce the following hours from EDF.</p> <p><u>Reductions on Comments on Green House Gas Targets filed 5/16/2022:</u> EDF staff dedicated approximately 25.00 hours to the drafting and completion of comments on Green House Gas Targets. We find this excessive for the 8 pages of substantial work product produced and therefore reduce 3.00 hours from Zakai, 4.00 hours from Balagopalan, and 2.00 hours from Colvin.</p> <p><u>Reductions on Opening Comments on Procurement filed 9/26/2022:</u> EDF staff dedicated approximately 15.00 hours to the drafting and completion of the Opening Comments on Procurement. We find this excessive for the 3 ½ pages of substantial work product produced and therefore reduce 2.00 hours from Zakai, 6.00 hours from Balagopalan, and 1.00 hours from Colvin.</p>
[6] Zakai's 2022 <u>Reductions</u>	<p>Zakai's 2022 Reductions (5.40 hours):</p> <p><u>Administrative/Clerical (0.80 hours):</u> The Commission does not compensate attorneys for time spent on clerical or administrative tasks, as such work is considered subsumed within professional fees. Administrative tasks typically include scheduling, communications with the Commission's Docket Office regarding filing procedures, overseeing administrative staff, photocopying, scanning, and other similar clerical activities. (See D.11-07-024 at 18.) In line with this policy, we reduce 0.80 hours for time associated with the following entries:</p> <ul style="list-style-type: none"> • 4/26/2022 - "Schedule call with environmental parties re comments on GHG comments." (0.10) • 9/8/2022 - "Review ruling; instruct staff to calendar due dates; consult with M. Colvin and O. Balagopalan re timeline to complete comments." (0.50) • 10/28/2022 - "Remind M. Colvin to provide edits." (0.20) <p><u>Combining Tasks in Timesheet Entries (4.60 hours):</u> EDF grouped multiple tasks into single time entries, totaling approximately 9.20 hours. Rule 17.4 requires that each time entry clearly identify the specific task performed. The entries listed below do not comply with program</p>

	<p>requirements. Accordingly, we reduce 50% of the following hours from EDF:</p> <ul style="list-style-type: none"> • 5/6/2022 – “Consult with O. Balagopalan re GHG comments; prepare for and attend meeting with environmental parties re GHG comments.” (1.00) • 5/9/2022 – “Consult with NRDC and UCS re possibility for joint comments; edit comments; consult with Orran re same.” (1.40) • 5/13/2022 – “Edit comments on GHG target; consult with NRDC re same.” (1.80) • 9/15/2022 – “Consult with Union of Concerned Scientists and Natural Resources Defense Council re 9/26 comments; consult with M. Colvin and O. Balagopalan re attendance at workshop and strategy for preparing comments.” (0.25) • 12/13/2022 – “Review draft resolution re transmission planning process; consult with M. Colvin re need for comments on same; instruct staff calendar due dates and file documents re same.” (0.15) <ul style="list-style-type: none"> ○ We note that this entry also includes an administrative/clerical non-compensable task. As we are already reducing this entry for combining multiple tasks into one timesheet entry, we take no additional reduction for the administrative/clerical task.
[7] Balagopalan’s 2022 <u>Reductions</u>	<p>Balagopalan’s 2022 Reductions (0.75 hours):</p> <p><u>Combining Tasks in Timesheet Entries (0.75 hours):</u> EDF grouped multiple tasks into single time entries, totaling approximately 1.50 hours. Rule 17.4 requires that each time entry clearly identify the specific task performed. The entries listed below do not comply with program requirements. Accordingly, we reduce 50% of the following hours from EDF:</p> <ul style="list-style-type: none"> • 5/6/2022 – “Call with enviro. groups on GHG target; discuss comments with Y. Zakai.” (0.75)
[8] Balagopalan’s 2023 <u>Reductions</u>	<p>Balagopalan’s 2023 Reductions (1.50 hours):</p> <p><u>Combining Tasks in Timesheet Entries (1.50 hours):</u> EDF grouped multiple tasks into single time entries, totaling approximately 3.00 hours. Rule 17.4 requires that each time entry clearly identify the specific task performed. The entries listed below do not comply with program requirements. Accordingly, we reduce 50% of the following hours from EDF:</p> <ul style="list-style-type: none"> • 2/2/2023 – “Finalize opening comments on Proposed Decision; review other parties' opening comments.” (1.50)
[9] Colvin’s 2022 <u>Reductions</u>	<p>Colvin’s 2022 Reductions (0.75 hours):</p> <p><u>Combining Tasks in Timesheet Entries (0.75 hours):</u> EDF grouped multiple tasks into single time entries, totaling approximately 1.50 hours. Rule 17.4 requires that each time entry clearly identify the specific</p>

	<p>task performed. The entries listed below do not comply with program requirements. Accordingly, we reduce 50% of the following hours from EDF:</p> <ul style="list-style-type: none"> • 4/20/2022 – “Review ALJ Ruling requesting comments on GHG targets and load forecasts; review YZZ Summary.” (0.50) • 5/26/2022 – “Review summer 2022 procurement quantities and fuel types; review legal summary.” (0.25)
[10] Intervenor Responsibility for Transparency and Accuracy in Compensation Requests	<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 (<i>see</i> Rule 14.6(c)(6))?	Yes. <u>However, EDF has requested permission to file comments.</u>

[If not:](#)

Party	Comment	CPUC Discussion
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	<p><u>On January 8, 2026, EDF requested permission to file comments on the Decision granting compensation to EDF for contribution to D.23-02-040. The Commission granted EDF permission to file comments addressing their concerns.</u></p> <p><u>EDF requests adjustment to Zakai's 2023 rate and Colvin's 2022 rate.</u></p>	<p><u>The Commission makes no changes to Zakai or Colvin's hourly rates.</u></p> <p><u>Zakai's 2023 consultant rate is comparable to the market rates established in Resolution ALJ-393 for individuals with similar experience.</u></p> <p><u>For consultants, the Commission does not rely on rates approved in prior decisions, as consultant contracts vary in their terms and compensation structures by proceeding. Therefore, we find Zakai's 2023 hourly rate reasonable for the work performed in this proceeding and therefore make no adjustments.</u></p> <p><u>Colvin's previously awarded rate was granted in error. Colvin's 2022 hourly rate was evaluated in D.24-05-026 at 15, and we apply the same rate here, as it accurately reflects Colvin's years of experience relative to the market rates established by Resolution ALJ-393.</u></p>
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FINDINGS OF FACT

1. Environmental Defense Fund has made a substantial contribution to D.23-02-040.
2. The requested hourly rates for Environmental Defense Fund's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services, and/or reflect the actual rates billed to, and paid by the intervenor, for consultant services rendered.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.

4. The total of reasonable compensation is \$42,804.50.

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 \$42,804.50.
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 Environmental Defense Fund their respective shares of the award, based on their California-jurisdictional electric revenues for the 2022 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 July 15, 2023, 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 _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2302040		
Proceeding(s):	R2005003		
Author:	ALJ Julie A. Fitch and ALJ Colin Rizzo		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Environmental Defense Fund	May 1, 2023	\$56,975.75 ¹	\$42,804.50	N/A	See Part III.D, CPUC Comments, Disallowances and Adjustments.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Yochi	Zakai	Attorney ¹	\$515	2022	\$510.00
Yochi	Zakai	Attorney ² ¹	\$540.75	2023	\$535.00
Orran	Balagopalan	Attorney ²	\$275	2022	\$235.00
Orran	Balagopalan	Attorney ² ²	\$288.75	2023	\$245.00
Michael	Colvin	Expert ³	\$515	2022	\$505.00
Michael	Colvin	Expert ⁴	\$540.75	2023	\$545.00

(END OF APPENDIX)

¹ Zakai serves EDF as a consultant.² Balagopalan serves EDF as a consultant.³ Colvin is classified as a Public Policy Analyst IV.⁴ Colvin is classified as a Public Policy Analyst V.

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