

Decision **PROPOSED DECISION OF ALJ ATAMTURK (Mailed 2/12/2026)****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Implementing Senate Bill 846 Concerning
Potential Extension of Diablo Canyon Power
Plant Operations.

Rulemaking 23-01-007

**DECISION GRANTING COMPENSATION TO
SMALL BUSINESS UTILITY ADVOCATES
FOR SUBSTANTIAL CONTRIBUTION TO
DECISION (D.) 23-08-004, D.23-12-036, AND D.25-06-002**

Intervenor: Small Business Utility Advocates	For contribution to Decision (D.) 23-08-004, D.23-12-036, and D.25-06-002
Claimed: \$190,938.50	Awarded: \$108,759.05
Assigned Commissioner: Karen Douglas	Assigned ALJ: Nilgun Atamturk

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>D.23-08-004 approves compensation for the Diablo Canyon Independent Safety Committee (DCISC) in connection with the extended operation of the Diablo Canyon Power Plant (related to assessing potential extended DCPD). It also directs Pacific Gas and Electric Company (PG&E) to track 2023-2025 operational costs operations at the Diablo Canyon Nuclear Power Plant (DCPP).</p> <p>D.23-12-036 authorizes the extended operation of the DCPD until October 31, 2029 (Unit 1) and October 31, 2030 (Unit 2), subject to various conditions. It also establishes ongoing prudence and cost-effectiveness reviews; allocates costs and benefits among all jurisdictional load-serving entities; creates a new</p>
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	<p>non-bypassable charge; establishes a review process modeled on Energy Resource Recovery Account proceedings; and provides further direction on use of surplus performance-based fees.</p> <p>D.25-06-002 considers party proposals on Phase 2 issues in the DCPD proceeding, approves the use of the surplus performance-based fees, adopts adjustments to DCISC’s funding methodology, and approves baseline review criteria for PG&E’s annual compensation report. This decision further directs PG&E to incorporate affordability considerations in the Volumetric Performance Fee (VPF), estimate customer participation in and benefits by class from each VPF project. It also retains DCISC member term limits, adopts funding methodology and tracking requirements, and addresses transparency in allocating costs between oversight and NRC relicensing.</p>
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	March 17, 2023	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	April 17, 2023 July 24, 2024	Verified. In accordance with the Assigned Commissioner’s Amended Scoping Memo and Ruling, dated June 24, 2024 (Phase 2 Scoping Memo), SBUA submitted the second NOI on July 24, 2024.
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:	A.23-10-001	Verified
6. Date of ALJ ruling:	June 3, 2024	Verified
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:	A.23-10-001	Verified
10. Date of ALJ ruling:	June 3, 2024	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.25-06-002	Verified
14. Date of issuance of Final Order or Decision:	June 20, 2025	Yes
15. File date of compensation request:	August 19, 2025	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
B.3	<p>The 30th day from the PHC fell on Sunday, April 16, and pursuant to Rule 1.15, it is timely to file the NOI on the Monday thereafter on April 17.</p> <p>SBUA also filed a second NOI on July 24, 2024 in accordance with the Assigned Commissioner’s Amended Scoping Memo and Ruling, dated June 25, 2024 (Phase 2 Scoping Memo).</p>	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
<p><u>D.23-08-004</u></p> <p>In response to ALJ Seybert’s ruling on April 28, 2023, requesting stakeholder comment on Phase 1: Track 1 Issues, SBUA analyzed and submitted comments on the DCISC’s compensation structure, governance safeguards, and funding methodology. D.23-08-004 reflects SBUA’s contributions by enhancing transparency for compensation review, concluding that if operations are extended, DCISC costs should be allocated to all jurisdictional Load Serving Entities (LSE) rather than only PG&E ratepayers, and adopting comprehensive transition-cost tracking in the DCTRMA with invoicing and mandatory return of unspent funds.</p> <p><i>DCISC Member Compensation</i></p> <p>SBUA’s expert found the compensation adequate yet supported implementing a more robust, ongoing evaluation. Specifically, SBUA advocated for increased transparency and stakeholder participation in</p>	<p><i>DCISC Member Compensation</i></p> <p>D.23-08-004 at 10 (“in order to promote additional transparency and stakeholder feedback within the annual review process, we adopt the following changes: first, PG&E’s annual DCISC member compensation advice letter must be submitted as a Tier 2, rather than a Tier 1, filing. Second, prior to submitting its annual DCISC compensation advice letter, PG&E shall provide the DCISC an opportunity to comment on PG&E’s proposed member compensation levels, and PG&E shall include a summary of any feedback provided by the DCISC as part of its advice letter filing”), Conclusion of Law 4 (additional transparency and stakeholder review with Tier 2 advice letter), Ordering Paragraph 2 (PG&E shall submit annual updates to DCISC compensation with Tier 2 advice letter).</p> <p><i>Cost Allocation to All Jurisdictional LSEs</i></p> <p>D.23-08-004 at 17-18 (the Commission concludes that, to the extent extended operations are approved, “the financial responsibility for the DCISC’s costs during extended operations will be allocated to customers of all Commission-jurisdictional LSEs”); <i>see also id.</i> at 15-16 (noting party support including SBUA RC at 2); Finding of</p>	<p>Verified.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>the DCISC member compensation review process. While SBUA initially proposed a Tier 3 advice letter process with third-party evaluation to avoid conflicts of interest, the Commission adopted SBUA’s core transparency objectives by requiring: (1) elevation from Tier 1 to Tier 2 advice letter filings, and (2) mandatory inclusion of DCISC feedback on proposed compensation levels. SBUA Opening Comments on Phase 1: Track 1 Issues, May 22, 2023 (“SBUA OC”) at 4-5 (recommending third-party evaluation and Tier 3 process); SBUA Reply Comments on Phase 1: Track 1 Issues, May 31, 2023 (“SBUA RC”) at 1-2 (emphasizing need to avoid appearance of conflict with PG&E setting compensation for its safety overseer); SBUA Comments on Proposed Decision, July 25, 2023 at 1-2 (continuing to advocate that “a Tier 3 Advice Letter process would be the best way to mitigate putting PG&E in the precarious position of having to request funding for the body charged with reviewing and making recommendations concerning the safety of operations at Diablo Canyon” while supporting Tier 2 process as</p>	<p>Fact 10; Ordering Paragraph 3 (directing future cost allocation methodology).</p> <p><i>Tracking and Recovery for Transition Costs</i></p> <p>D.23-08-004 at 12-15 (the Commission adopted use of the DCTRMA to record and track all DCISC operational costs associated with assessing potential extended operations, with requirements for detailed tracking, separate accounting, and return of unused funds; the Commission specifically requires DCISC to invoice PG&E for transition costs and mandates return of unspent/uncommitted funds in Q4 2025; and the Decision clarifies that recovery is intended from government funding streams rather than PG&E ratepayers); <i>see also</i> Findings of Fact 11-15, Conclusions of Law 5-9, Ordering Paragraph 3.</p> <p><i>Other Issues</i></p> <p>D.23-08-004 at 18-20 (the Commission considered input from SBUA, A4NR, and Women’s Earth Matter (WEM) on other issues, approved ministerial charter amendments, found additional safety review unnecessary, and deferred term-limit questions to Phase 2).</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>“a step in the direction of facilitating greater visibility”).</p> <p><i>Cost Allocation to All Jurisdictional LSEs</i></p> <p>SBUA advocated that DCISC costs during the transition period and any extended operations should be allocated to customers of all Commission-jurisdictional LSEs, not just PG&E bundled customers, ensuring fair distribution of safety oversight costs among all beneficiaries of Diablo Canyon operations. <i>See</i> SBUA OC at 9-13 (analyzing financial issues and arguing that “[b]ecause all LSEs benefit from Diablo Canyon, they should all share in its costs”); SBUA RC at 2 (“SBUA continues to recommend that all the costs of the DCISC during any extended operations at Diablo Canyon should be proportionally shared by all [LSE] ratepayers.”)</p> <p><i>Tracking and Recovery for Transition Costs</i></p> <p>SBUA provided detailed recommendations for tracking DCISC transition-related costs, including: (a) prioritizing non-ratepayer funding sources in specific order; (b) maintaining separate accounts for different</p>		

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>funding sources; (c) ensuring return of unused ratepayer funds; and (d) recording transition costs in the Diablo Canyon Transition and Relicensing Memorandum Account (DCTRMA) for recovery through government funding streams. SBUA OC at 6-13 (proposing funding hierarchy with ratepayer funding as last resort); SBUA OC at 8 (recommending separate accounting for each funding source); SBUA OC at 7, 11-13 (supporting DCTRMA use for transition costs).</p> <p><i>Other Issues</i></p> <p>SBUA also addressed various other issues in Phase 1, Track 1 in response to the ALJ’s questions. For example, SBUA recommended that any changes to the DCISC Charter be considered in a separate track, SBUA OC at 15; that the DCISC be subject to additional safety reviews, <i>id.</i> at 15-16; and that the Alliance for Nuclear Responsibility’s (A4NR) proposed limit of two three-year terms for DCISC members be staggered, SBUA RC at 3.</p>		
<p>D.23-12-036</p> <p>In response to the April 6, 2023 Scoping Memo and</p>	<p><i>Renewable Energy as a Substitute for Diablo Canyon</i></p>	<p>Verified in part. SBUA’s proposed cost-effectiveness</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>subsequent ALJ rulings in R.23-01-007, SBUA submitted testimony, opening and reply briefs, expedited comments on the California Energy Commission’s Draft Cost Comparison Report, and comments on the Proposed Decision. Overall, SBUA supported the goals of Senate Bill (SB) 846 and <i>recommended approval</i> for extending operations for Diablo Canyon Nuclear Power Plant Units 1 and 2, subject to critical ratepayer protections. <i>See</i> Small Business Utility Advocates Opening Brief, Sept. 18, 2023 at 1. The adopted framework in D.23-12-036 directly cites SBUA’s contributions, for example, establishing definitional standards, cost-effectiveness analysis, and ongoing oversight mechanisms that will govern over \$8 billion in ratepayer expenditures through 2030. SBUA’s substantial contributions to the record and decision include:</p> <p><i>Renewable Energy as a Substitute for Diablo Canyon</i></p> <p>SBUA explained that other renewable/zero-carbon resources might not be available on the needed timeline to replace Diablo Canyon, highlighting small business concerns for</p>	<p>D.23-12-036 at 57 (the Commission concludes, in agreement with SBUA’s position, that zero-carbon resources are unlikely to be interconnected to replace DCPD by 2023, and finds other parties’ arguments for retirement unpersuasive); <i>see also id.</i> at 17-18 (discussing SBUA input on definitions of zero-carbon resources).</p> <p><i>Cost-effectiveness Framework and Ongoing Prudence Review</i></p> <p>D.23-12-036 at 57-59 (the decision requires PG&E to provide detailed forecasts, prohibiting double-counting, and confirming that the Commission retains authority to review the prudence and cost-effectiveness of ongoing operations in future proceedings), COL #15.</p> <p>D.23-12-036 at 35 (discussing SBUA’s recommended definitions of “not cost effective” and “imprudent”), at 42 (discussing SBUA’s analysis of costs to operate DCPD compared to the costs of RPS contracts and the average cost of nuclear power); <i>but see</i> D.23-12-036 at 51 (“[a]bsent a complete and transparent accounting of all DCPD extended operation costs, it is not possible for the Commission to determine at this time whether DCPD extended operations are cost-effective).</p> <p>Although the Commission did not accept SBUA’s cost-effectiveness recommendations, this work provided a unique cost-effectiveness analysis that was a valuable contribution for the Commission’s deliberation and enriched the record. <i>See, e.g.,</i> D.24-11-023 at 8-9</p>	<p>test was not adopted, but its advocacy overlapped with the Decision’s requirement for ongoing prudence and cost-effectiveness review. The record reflects that SBUA’s analysis informed the Commission’s consideration, even though its specific framework was not accepted.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>affordable electricity and supporting conditional approval of DCPD with continuing review. SBUA OB at 10-12; Ex. SBUA-02, at 15. SBUA recommended defining “renewable energy” as resources compliant with the state’s RPS and “zero-carbon resources” as electric generation that does not burn fossil fuels or cause carbon pollution. SBUA OB at 11; SBUA-02 at 15-16. SBUA also supported the CEC’s Draft Cost Comparison Report and its findings that there are insufficient renewable resources to replace DCPD. Comments of Small Business Utility Advocates on California Energy Commission’s Draft Senate Bill 846 Diablo Canyon Power Plant Extension Cost Comparison, Oct. 6, 2023.</p> <p><i>Cost-effectiveness Framework and Ongoing Prudence Review</i></p> <p>SBUA urged the Commission to condition approval of extended operations on continuing review for prudence and cost-effectiveness. In its Opening Brief, SBUA argued that approval should be subject to the Commission’s ability to ensure the continued safety, prudence, and</p>	<p>(awarding compensation to WEM for work on models in R.23-01-007 that were rejected but “deemed to have aided in the decision-making process”). As WEM aptly notes, “Past decisions state that intervenors substantially contribute when they have ‘provided a unique perspective that enriched the Commission’s deliberations and the record.’” <i>Id.</i> at 12-13, citing D.05-06-027 at 5.</p> <p><i>Allocation of Costs and Benefits</i></p> <p>D.23-12-036 at 74-75 (the Decision allocates eligible costs to the LSEs within each IOU’s territory, mirroring the CAM), at 81 (the Decision allocates Resource Adequacy (RA) benefits in the same manner as costs using a CAM-like decrement).</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>cost-effectiveness of DCPD extended operations. SBUA OB at 8-9. SBUA also cautioned that PG&E’s recovery process might incentivize over-forecasting and emphasized the need for Commission scrutiny. Small Business Utility Advocates Reply Brief, Sept. 23, 2023 (“SBUA RB”) at 1-2. In its Comments on the Proposed Decision, SBUA supported the PD’s direction that prudence and cost-effectiveness of extended operations should continue to be reviewed in subsequent proceedings. Small Business Utility Advocates Comments on Proposed Decision, Nov. 15, 2023 (“SBUA PD Comments”) at 1.</p> <p>SBUA’s expert provided detailed cost-effectiveness methodology and levelized cost of energy analysis, and opined that DCPD extended operations are cost-effective and prudent. Ex. SBUA-01 at 5-10. SBUA’s expert also provided an alternative framework for the Commission to consider in defining “too high to justify.” Ex. SBUA-02 at 5-6.</p> <p><i>Allocation of Costs and Benefits</i></p> <p>SBUA advocated allocating both costs and benefits among</p>		

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>all LSEs. SBUA OB at 5-7; SBUA RB at 3-4. SBUA further supported using the 12-month coincident peak allocator and Cost Allocation Mechanism (CAM). SBUA PD Comments at 1-2; SBUA PD Reply Comments at 1-2 (expressly supported the 12-month coincident peak allocator and CAM treatment).</p>		
<p>D.25-06-002</p> <p>In response to the Assigned Commissioner’s Amended Scoping Memo dated June 25, 2024, requesting stakeholder proposals on Phase 2 issues, SBUA analyzed and submitted proposals on VPF escalation rates, spending priorities for small business decarbonization programs, enhanced reporting requirements, and DCISC governance reforms. While the Commission did not adopt SBUA’s specific proposals, SBUA’s advocacy raised important issues for Commission consideration and contributed to a more comprehensive administrative record. As discussed later in this claim, SBUA has excluded all time spent on its Phase 2 proposals from its compensation request to ensure reasonableness.</p>	<p><i>Volumetric Performance Fees</i></p> <p>D.25-06-002 at 16-17 (the decision declines to adopt specific party frameworks, but strongly encourages PG&E to use affordability as a guiding principle in VPF planning). D.25-06-002 at 17-20 (the Commission acknowledged SBUA’s proposal to provide an escalation rate for VPFs, but found that there is not “sufficient evidence on record in this proceeding to adopt a specific escalation factor for VPFs at this time”); <i>id.</i> at 20 (“[e]scalation factors applicable to VPFs can be appropriately and more thoroughly addressed in future DCP cost forecast applications”); <i>but see id.</i> at 18 (GPI supported SBUA’s escalation proposal).</p> <p>D.25-06-002 at 27 (the Commission declined to adopt SBUA’s decarbonization proposals, noting TURN opposition and insufficient justification for prioritizing subsidies for behind-the-meter solar and building decarbonization as optimal uses of VPFs).</p>	<p>Verified in part. SBUA’s proposal for a 3% VPF escalation rate was not adopted (D.25-06-002 at 17-20). The Commission reviewed the proposal, considered party comments, and declined it due to insufficient justification and concerns raised by TURN. However, the Decision does adopt affordability as a guiding principle for VPF planning and encouraged PG&E to structure expenditures to reduce upward rate pressure.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p><i>Volumetric Performance Fees</i></p> <p>SBUA proposed that the Commission approve a 3% annual escalation rate for VPFs starting from 2022 to ensure certainty in the amount of performance fees collected. SBUA based this on labor escalation factors of approximately 3% for years 2020-2022 reached by settlement in PG&E’s previous general rate case. Proposals of SBUA on Phase 2 Issues, Aug. 15, 2024 (SBUA Proposals) at 4-7; SBUA Reply Comments on Phase 2 Proposals, Oct. 1, 2024 (SBUA RC on Proposals) at 2-5.</p> <p>SBUA proposed requirements to ensure no shareholder profit from VPFs, SBUA Proposals at 8, and supported The Utility Reform Network’s (TURN) position that VPFs should not be used for Operations and Maintenance (O&M) expenses or to benefit PG&E shareholders. SBUA Opening Comments on Others’ Proposals, Sept. 19, 2024 (SBUA OC on Proposals) at 2. SBUA agreed with TURN that VPFs should be directed toward covering DCPD extended operation costs and only used for public purpose priorities if they offset those costs. <i>Id.</i> at 2. SBUA also emphasized</p>	<p><i>Annual Compensation Report</i></p> <p>D.25-06-002 at 23 (“PG&E must estimate, where feasible, the number of customers participating in or benefitting from each VPF spending plan project, with specific identification by customer class, and report it in its annual reporting review filing”), at 36 (“PG&E is directed to estimate the number of customers who will benefit from each volumetric performance fees spending plan project, with specific identification by customer class, if it is feasible to do so.”), COL #10.</p> <p><i>DCISC Oversight</i></p> <p>D.25-06-002 at 32-35 (the decision adopts PG&E’s funding approach, confirms DCISC costs are treated as operating costs, declines to reroute payments through the Commission, and finds charter changes unnecessary because the current charter already allows an active safety role).</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>affordability concerns for small business customers and the need to ensure VPF spending reduces upward pressure on rates. SBUA Proposals at 4-7; SBUA OC on Proposals at 2-3.</p> <p>SBUA recommended that the Commission require PG&E to allocate certain available VPF funds to institute a building decarbonization fund for small businesses to bring their buildings into compliance with new building code regulations. SBUA Proposals at 7; <i>see also</i> SBUA Opening Comments on Phase 2 Preliminary Scope, Feb. 28, 2024 (SBUA OC on Phase 2 Scope) at 6 (concerns that small business customers are not appropriately sharing the benefits of continued operations at DCPD).</p> <p>SBUA supported the PD’s adoption of affordability as a guiding principle for PG&E’s VPF spending, consistent with its position that such spending must benefit all customers, especially small businesses facing disproportionate cost burdens. Opening Comments of SBUA on PD on Phase 2 Issues, Mar. 20, 2025 (SBUA OC on Phase 2 PD), at 1.</p> <p><i>Annual Compensation Report</i></p>		

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>SBUA advocated for enhanced reporting requirements to identify beneficiaries by customer class and, where feasible, separately identify small commercial customers benefitting from each VPF-funded project. SBUA OC on Phase 2 PD at 2-3, App. A.</p> <p><i>DCISC Oversight</i></p> <p>SBUA sought to strengthen independence and transparency by routing DCISC payments through the Commission instead of PG&E, clarifying that all DCISC costs are operating costs borne across jurisdictions, and amending the DCISC charter to allow and expedite safety recommendations, including rapid PG&E responses, with attention to member compensation and access to data. SBUA OC on Phase 2 Scope at 3; SBUA Proposals at 4-5, 9-11; SBUA RC on Proposals at 9.</p>		

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

	Intervenor’s Assertion	CPUC Discussion
<p>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</p>	<p>Yes.</p>	<p>Verified</p>

	Intervenor’s Assertion	CPUC Discussion
b. Were there other parties to the proceeding with positions similar to yours?	Yes.	Verified
c. If so, provide name of other parties: A4NR, WEM, TURN, Green Power Institute (GPI), SLO Mothers for Peace.		Verified
d. Intervenor’s claim of non-duplication: SBUA’s positions were grounded in its expert’s independent analysis and often diverged from those of other intervenors. On several issues, SBUA advanced unique arguments; on others, it complemented common positions by providing a perspective based on small business customers. SBUA, for example, supported several TURN positions in Phase 2 after analyzing TURN’s proposals. There was no unnecessary duplication, however, and any overlap was unavoidable given the nature of this proceeding, where multiple parties necessarily responded to the same ALJ questions and concerns.		Noted

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
a. Intervenor’s claim of cost reasonableness: SBUA intervened in this proceeding to protect and advance the interests of small business ratepayers. It actively participated throughout by submitting testimony, conducting discovery with PG&E, filing legal briefs, presenting proposals in Phase 2 (time waived as below), commenting on other parties’ proposals, and providing input on the Proposed Decisions. As discussed above, the Commission considered and addressed many of SBUA’s arguments, which were aimed at safeguarding and promoting the interests of small business and other ratepayers. The continued operation of DCPD has significant costs and benefits affecting all customer classes. SBUA’s participation ensured that small business customers, an underrepresented group, had a voice in this proceeding. Given the complexity of the case, which required substantial expert and attorney involvement, SBUA’s costs were	Noted

	CPUC Discussion
<p>reasonable. Because the decisions directly and significantly impact small commercial customers in both costs and benefits, SBUA submits that the Commission should find that its efforts were reasonable and valuable.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>SBUA relied on a team of three professionals to advocate in this case. Considering the complexities of this proceeding and its importance to ratepayers, the hours expended by SBUA are justifiable in order to address the key issues pertinent to small businesses and other ratepayers. SBUA is seeking compensation for 372.3 hours of attorney and expert time, excluding hours related to the preparation of the compensation claim. This is SBUA’s first and only request for intervenor compensation in this proceeding, covering all work performed in both Phase 1 and Phase 2.</p> <p>Primary responsibility for legal work was assigned to mid/senior-level attorney Michael Raykher, who led the drafting of SBUA’s comments and filings and coordinated testimony with the expert. General Counsel James Birkelund actively contributed by developing litigation strategy, providing guidance, managing work efforts, and overseeing the legal team. Both Mr. Birkelund and Mr. Raykher were employed by E&E Law Corp. (E&E Law), which represents SBUA in this matter on a contingency basis at prevailing market rates. <i>See Attachment 4</i> (attorney-client agreement, filed under seal). The Commission has previously approved this outside consultant arrangement. <i>See, e.g.,</i> D.25-05-023, D.25-05-021, D.25-03-029, D.25-04-012, and D.25-02-025.</p> <p>Expert Michael Brown served as SBUA’s utility expert in this proceeding. He played a central role in analyzing issues, developing and promoting SBUA’s positions, and drafting testimony. Mr. Brown is an outside consultant and performed this work on a deferred-compensation basis. SBUA’s contract with Mr. Brown is included as <i>Attachment 3</i>.</p> <p>SBUA’s Executive Director, Britt Marra, an employee of SBUA, assisted in preparing comments on the Proposed Decision for D.25-06-002 and in drafting this compensation claim. Because of her limited involvement, SBUA waives her time to add to the overall reasonableness of the hours requested.</p> <p>SBUA also waives all time associated with its Proposals of Small Business Utility Advocates on Phase 2 Issues, dated Aug. 15, 2024,</p>	<p>Noted</p>

	CPUC Discussion
<p>since the Commission did not adopt those proposals. All such work has been removed from SBUA’s timesheets. This reduction is intended to facilitate review of this claim and further demonstrate the reasonableness of SBUA’s request.</p> <p>SBUA coordinated work among its professionals to avoid duplication. As adjusted, the hours claimed reflect an appropriate level of engagement for a proceeding of this complexity, including expert analysis, discovery, testimony preparation, review of other parties’ filings, review of Phase 2 proposals, and comments on the Proposed Decisions.</p>	
<p>c. Allocation of hours by issue:</p> <p>SBUA has assigned the following issue codes to Phase 1 of the proceeding:</p> <ol style="list-style-type: none"> 1. DCISC Funding and Membership (40.3 hours / 11.7%) 2. DCISC Tracking and Recovery for Transition Costs (32.45 hours / 9.4%) 3. Renewable Energy as a Substitute for Diablo Canyon (75.2 hours / 21.8%) 4. Cost-effectiveness Framework and Ongoing Prudence Review (76.55 hours / 22.2%) 5. Allocation of Costs and Benefits (57.35 hours / 16.6%) 6. Other substantive issues (e.g., Safety Issues, Use of Surplus Ratepayer Funds) (26.4 hours / 7.6%) 7. General Participation, including hearings, meet-and-confer activities (36.9 hours / 10.7%) <p>SBUA has assigned the following issue codes to Phase 2 of the proceeding:</p> <ol style="list-style-type: none"> 1. Volumetric Performance Fees (3.8 hours / 14.0%) 2. Annual Compensation Report (11.25 hours / 41.4%) 3. DCISC Oversight (10.95 hours / 40.3%) 4. General Participation (1.15 hours / 4.2%) 	<p>Noted</p>

	CPUC Discussion
<p>SBUA submits the categories are well-designed to accurately assign hours. If the Commission prefers a different breakdown, SBUA asks to be notified and given a chance to supplement.</p>	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Michael Raykher	2023	161.7	\$500.00	Res. ALJ-393; see Comment #1 below.	\$80,850.00	80.85 [5]	\$500.00 [1,6]	\$40,425.00
Michael Raykher	2024	8.9	\$520.00	As above, escalated by 4.07% for 2024	\$4,628.00	4.45 [5]	\$520.00 [1,6]	\$2,314.00
Michael Brown	2023	123.6	\$310.00	D.25-05-023	\$38,316.00	98.88 [4]	\$310.00 [2,6]	\$30,652.80
James Birkelund	2023	60.6	\$770.00	D.24-10-025	\$46,662.00	30.30 [5]	\$770.00 [3,6]	\$23,331.00
James Birkelund	2024	11	\$800.00	D.25-03-021	\$8,800.00	5.50 [5]	\$800.00 [3,6]	\$4,400.00
James Birkelund	2025	7.5	\$830.00	As above, escalated by 3.46% for 2025	\$6,225.00	3.75 [5]	\$830.00 [3,6]	\$3,112.50
Subtotal: \$185,481.00						Subtotal: \$104,235.30		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
James Birkelund	2023	0.75	\$385.00	50% of 2023 rate	\$228.75	0.75	\$385.00 [3,6]	\$288.75
James Birkelund	2024	1.25	\$400.00	50% of 2024 rate	\$500.00	1.25	\$400.00 [3,6]	\$500.00
James Birkelund	2025	11.25	\$415.00	50% of 2025 rate	\$4,668.75	9 [7]	\$415.00 [3,6]	\$3,735.00
Subtotal: \$5,457.50						Subtotal: \$4,523.75		
TOTAL REQUEST: \$190,938.50						TOTAL AWARD: \$108,759.05		

CLAIMED		CPUC AWARD	
<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 ²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
James M. Birkelund	March 2000	206328	No
Mikhail Raykher ³	New York State Bar (Mar. 2013); Maryland State Bar (June 2013)	New York State Bar #5130653; Maryland State Bar #1306190253)	No

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

Attachment or Comment #	Description/Comment
Comment 1	<p><u>2023 Hourly Rate for Attorney Michael Raykher</u></p> <p>SBUA requests a 2023 hourly rate of \$500 for Mr. Raykher as a Level IV attorney under Resolution ALJ-393. SBUA incorporates by reference the justification for this rate previously submitted in its Intervenor Compensation Claim, dated May 22, 2025, in A.23-05-012, <i>et seq.</i> Pending a favorable decision on that rate request, SBUA requests that the Commission apply the same hourly rate here.</p>
Attachment 1	Certificate of Service (<i>see</i> attachment under separate cover)

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

³ Attorney Michael Raykher is also known professionally by the variant spelling Mikhail Raykher.

⁴ Attachments not included in final Decision.

Attachment or Comment #	Description/Comment
Attachment 2	Time Sheet Records for Phase 1
Attachment 3	Time Sheet Records for Phase 2
Attachment 4	Consulting Agreement with Michael Brown
Attachment 5	Attorney-Client Agreement with E&E Law

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
<p>[1] Michael Raykher 2023 & 2024 Hourly Rate</p>	<p>Upon further review, the Commission has determined that Michael Raykher 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.⁵ 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>SBUA has confirmed that per the terms of their contract, Michael Raykher has been hired on a contingency rate basis, meaning that Michael Raykher has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Michael Raykher’s experience as a Legal - Attorney - IV.</p> <p>Given that the 2023 rate range for Legal - Attorney - IV is \$443.01 to \$658.66, we find the requested 2023 hourly rate of \$500 to be reasonable and we adopt it here.</p> <p>Given that the 2024 rate range for Legal - Attorney - IV is \$421.18 to \$680.49, we find the requested 2024 hourly rate of \$520 to be reasonable and we adopt it here.</p> <p>The award determined herein for Michael Raykher’s contribution in this proceeding shall be paid in full to Michael Raykher, and no portion of this part of the award shall be kept by SBUA. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission’s policy on consultant compensation,</p>

⁵ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
	<p>and the understanding that the consultant has not billed or collected compensation for the work performed until the final award is given.</p>
<p>[2] Michael Brown 2023 Hourly Rate</p>	<p>Upon further review, the Commission has determined that Michael Brown 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>SBUA has confirmed that it paid Michael Brown \$310 per hour for work in this proceeding. We find this rate reasonable given Michael Brown’s experience and approve this rate here.</p> <p>The award determined herein for the Michael Brown’s contribution in this proceeding shall be paid in full to Michael Brown and no portion of this part of the award shall be kept by SBUA. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission’s policy on consultant compensation.</p>
<p>[3] James Birkelund 2023, 2024 & 2025 Hourly Rate</p>	<p>Upon further review, the Commission has determined that James Birkelund 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>SBUA has confirmed that per the terms of their contract, James Birkelund has been hired on a contingency rate basis, meaning that James Birkelund has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on James Birkelund’s experience as a Legal Director - IV.</p>

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

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

Item	Reason
	<p>Given that the 2023 rate range for Legal - Legal Director - IV is \$518.55 to \$832.67, we find the requested 2023 hourly rate of \$770 to be reasonable and we adopt it here. IComp preparation is billed at 50%, therefore the basis of rate is \$385 an hour.</p> <p>Given that the 2024 rate range for Legal - Legal Director - IV is \$545.91 to \$860.03, we find the requested 2024 hourly rate of \$800 to be reasonable and we adopt it here. IComp preparation is billed at 50%, therefore the basis of rate is \$400 an hour.</p> <p>Given that the 2025 rate range for Legal - Legal Director - IV is \$570.12 to \$884.24, we find the requested 2025 hourly rate of \$830 to be reasonable and we adopt it here. IComp preparation is billed at 50%, therefore the basis of rate is \$415 an hour.</p> <p>The award determined herein for James Birkelund’s contribution in this proceeding shall be paid in full to James Birkelund, and no portion of this part of the award shall be kept by SBUA. 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>[4] Reduction of Hours — Inefficient Time Allocation</p>	<p><i>Excessive Hours - Inefficient Time Allocation</i></p> <p>The timesheets for expert Michael Brown show substantial inefficiencies in task execution. Mr. Brown devoted extensive hours to developing, revising, and reformatting testimony on overlapping subject areas without clear indication of new analysis or materially distinct work. The records include multiple consecutive days of testimony creation and revision, often exceeding what is typically reasonable for the scope of the deliverables produced. Several entries also show repetitive literature reviews and redrafting efforts that could have been streamlined. While the expert’s participation was relevant to the Commission’s consideration of cost-effectiveness and resource issues, the level of effort appears disproportionate to the complexity of the tasks. To reflect these inefficiencies, we make a 20 percent reduction of the expert’s claimed hours. SBUA requested a total of 123.6 hours for Michael Brown. Accordingly, we reduced the requested hours by 24.72, for a total award of 98.88 hours.</p>

Item	Reason																														
<p>[5] Reduction of Hours — Internal Duplication</p>	<p><i>Excessive Hours - Internal Duplication</i></p> <p>A review of SBUA’s Phase 1 and Phase 2 timesheets shows significant overlap and internal duplication, especially in Michael Raykher and James Birklund’s time records. Multiple entries reflect SBUA representatives reviewing or revising each other’s drafts, holding repeated conferences and coordination meetings, and performing overlapping work on the same testimony, discovery responses, and comments. The records indicate that similar tasks were billed by more than one participant without clear delineation of individual responsibility or added substantive value. Such repeated internal review and joint editing exceed what is considered reasonable or efficient under the Intervenor Compensation Program’s standards.</p> <p>SBUA is reminded that the Commission awards compensation for efficient efforts that contribute to proceeding outcomes, and that SBUA’s work should be sufficiently streamlined to prevent an excess of hours claimed. In the past, the Commission has disallowed inefficient activities and applied reductions to intervenor hours that reflect excessive internal duplicative efforts, such as “numerous internal communications, review of each other’s documents, working on the same materials, engaging in the same tasks and participating in the same events.” (See D.12-03-024 at 24-25).</p> <p>For the internal duplication, excessive hours claimed, and various tasks in timesheets that were deemed to have not significantly contributed to the decision-making process, we reduce 50% of the total hours for SBUA’s staff Michael Raykher and James Birklund for 2023, 2024, and 2025. This reduction is commensurate with the contribution made in these areas.</p> <table border="1" data-bbox="500 1402 1416 1688"> <thead> <tr> <th>Name</th> <th>Year</th> <th>Hours Requested</th> <th>Hours Reduced</th> <th>Hours Awarded</th> </tr> </thead> <tbody> <tr> <td>Raykher</td> <td>2023</td> <td>161.7</td> <td>80.85</td> <td>80.85</td> </tr> <tr> <td>Raykher</td> <td>2024</td> <td>8.9</td> <td>4.45</td> <td>4.45</td> </tr> <tr> <td>Birkelund</td> <td>2023</td> <td>60.6</td> <td>30.30</td> <td>30.30</td> </tr> <tr> <td>Birkelund</td> <td>2024</td> <td>11</td> <td>5.50</td> <td>5.50</td> </tr> <tr> <td>Birkelund</td> <td>2025</td> <td>7.5</td> <td>3.75</td> <td>3.75</td> </tr> </tbody> </table>	Name	Year	Hours Requested	Hours Reduced	Hours Awarded	Raykher	2023	161.7	80.85	80.85	Raykher	2024	8.9	4.45	4.45	Birkelund	2023	60.6	30.30	30.30	Birkelund	2024	11	5.50	5.50	Birkelund	2025	7.5	3.75	3.75
Name	Year	Hours Requested	Hours Reduced	Hours Awarded																											
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Birkelund	2025	7.5	3.75	3.75																											
<p>[6] Intervenor Responsibility for Transparency and Accuracy in Compensation</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</p>																														

Item	Reason
Requests	<p>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>
[7] Excessive IComp Claim Prep Hours	<p>SBUA claimed 11.25 hours in 2025 for preparation of the intervenor compensation request. While the claim was detailed, organized, and generally compliant with Commission requirements, we find the preparation hours excessive given the scope of issues and overall scale of the request.</p> <p>James Birkelund has significant experience practicing before the Commission and preparing similar claims, and we would expect greater efficiency in compiling this request.</p> <p>Accordingly, we reduce the claimed hours by 2.25 hours, awarding 9 hours for claim preparation in 2025. This adjustment better reflects the complexity and scale of the request.</p>

PART IV: OPPOSITIONS AND COMMENTS

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

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

If not:

Party	Comment	CPUC Discussion
	No comments filed.	

FINDINGS OF FACT

1. Small Business Utility Advocates has made a substantial contribution to D.23-08-004, D.23-12-036, and D.25-06-002.
2. The requested hourly rates for Small Business Utility Advocates' representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services, and 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 \$108,759.05.

CONCLUSION OF LAW

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

ORDER

1. Small Business Utility Advocates is awarded \$108,759.05.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Small Business Utility Advocates the total award, based on their California-jurisdictional electric revenues for the 2023 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data are 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 November 2, 2025, the 75th day after

the filing of Small Business Utility Advocates' request, and continuing until full payment is made.

This decision is effective today.

Dated _____, at Sacramento, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2308004, D2312036, D2506002		
Proceeding(s):	R2301007		
Author:	ALJ Atamturk		
Payer(s):	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
Small Business Utility Advocates	August 19, 2025	\$190,938.50	\$108,759.05	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
Michael	Raykher	Consultant	\$500	2023	\$500
Michael	Raykher	Consultant	\$520	2024	\$520
Michael	Brown	Consultant	\$310	2023	\$310
James	Birkelund	Consultant	\$770	2023	\$770
James	Birkelund	Consultant	\$800	2024	\$800
James	Birkelund	Consultant	\$830	2025	\$830

(END OF APPENDIX)