Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into Natural Gas Prices During Winter 2022-2023 and Resulting Impacts to Energy Markets.	I.23-03-008 (Filed March 16, 2023)

DECISION GRANTING COMPENSATION TO ENVIRONMENTAL DEFENSE FUND FOR SUBSTANTIAL CONTRIBUTION TO DECISION 26-02-058

Intervenor: Environmental Defense Fund	**For contribution to Decision (D.) 26-02-058**
Claimed: $37,677.50	**Awarded:** $32,470.75
Assigned Commissioner: Karen Douglas	**Assigned ALJ:** Robyn Purchia

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision 26-02-058 identifies various factors that contributed to a natural gas price spike during the winter of 2022-2023. It does not find that regulated gas utilities took improper actions that contributed to the gas price spike. The decision also makes several findings to prevent future gas price spikes.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812[1]:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	May 15, 2023	May 16, 2023

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

	Intervenor	CPUC Verification
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	June 15, 2023	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R. 21-06-017	EDF references an earlier eligibility determination, but the correct basis for EDF's customer status was made in R.23-12-008.
6. Date of ALJ ruling:	November 9, 2021	September 2, 2025 in R.23-12-008.
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes. Although this ruling was issued after the start of this proceeding, Commission practice allows an eligibility ruling to apply retroactively to an intervenor's past participation in any ongoing proceeding that has not yet received its own eligibility ruling.
Showing of "significant financial hardship" (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R. 21-06-017	EDF references an earlier eligibility determination, but the correct basis for EDF's significant financial hardship finding was made in R.23-12-008.
10. Date of ALJ ruling:	November 9, 2021	September 2, 2025 in R.23-12-008.
11. Based on another CPUC determination (specify):	N/A	

	Intervenor	CPUC Verification
12. Has the Intervenor demonstrated significant financial hardship?		Yes. Although this ruling was issued after the start of this proceeding, Commission practice allows an eligibility ruling to apply retroactively to an intervenor's past participation in any ongoing proceeding that has not yet received its own eligibility ruling.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.26-02-058	Verified
14. Date of issuance of Final Order or Decision:	March 5, 2026	Verified
15. File date of compensation request:	May 4, 2026	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
2/3	A "customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation within 30 days after issuance of this scoping memo." The NOI was filed by October 28, 2025, which is within 30 days of the prehearing conference on September 29, 2025	Not verified. There was no prehearing conference held on September 29, 2025. EDF's NOI was filed on June 15, 2023, which is within 30 days of the prehearing conference on May 16, 2023.
9/10	In D.25-11-021, the CPUC found that EDF had demonstrated customer status and significant financial hardship.	D.25-11-021 did not provide a finding of eligible customer status and significant financial hardship. EDF's eligibility of customer status and significant financial hardship is supported by the September 2, 2025, ALJ ruling issued in R.23-12-008.

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. **Allocation and Rates of Core Gas Supply Provided by Independent Service Providers** EDF Opening Comments on May 13, 2024 ACR at 2.	"EDF asserts that a "cost plus" metric would invite gold-plating by ISPs, whereas market rates mitigate cost pressures." - Decision at 50	Verified
2. **Mitigation Measures or Tools for Liquified Natural Gas Exports** EDF Opening Comments on May 13, 2024 ACR at 3-5. EDF Opening Comments on May 13, 2024 ACR at 1	" EDF asserts that the net costs of the Costa Azul project should be borne by those who receive a benefit." Decision at 51-2 "CforAT, EDF, TURN, and UCAN recommend using a specific increase in customers' bills." Decision at 51	Verified
3. **Other Payment Plans, Assistance Programs** EDF Comments on OII at 7 EDF Comments on OII at 7-8; EDF Opening Comments on May 13, 2024 ACR at 2.	"Cal Advocates, CforAT, EDF, PG&E, SCE, SDG&E, SoCalGas, and Southwest Gas reference assistance programs and payment plans, in general, as measures to mitigate harm to ratepayers if a gas price spike recurs… EDF urges the Commission to collaborate with the Legislature to increase the CARE discount for low-income gas ratepayers. " Decision at 69	Verified
4. **Community Resource Centers**	Similarly, EDF supports CRCs modeled after the Cooling Centers/Cool Zones	Verified

EDF Opening Comments on May 13, 2024 ACR at 3.	supported by electric utilities during high-heat events.282 SBUA and TURN support EDF's suggestion to model CRCs on Cooling Centers. - Decision at 72-73	
5. Informing Customers	Regarding content, the parties recommend that gas utilities inform customers of the risks and benefits of different energy sources, alternative gas services, and payment plans. For example, EDF suggests that gas utilities communicate with customers about opportunities for "deeper energy efficiency measures and fuel switching." Decision at 131	Verified
6. Independent Storage Provider Reporting EDF Opening Comments on May 13, 2024 ACR at 2.	"Several parties suggest adding additional ISP reporting requirements. EDF and SBUA recommend that ISPs be required to report daily gas inventory levels publicly. EDF supports requiring ISPs to report daily inventory levels, using non-ratepayer funds, on a dedicated website with consolidated and easily accessible data." – Decision at 151	Verified
7. Definition of Gas Price Spike EDF Opening Comments on PD at 1.	EDF recommends that the Commission modify the definition of a gas price spike to a lower threshold of 100 percent above the average price.649 According to EDF, a threshold of 150 percent is "perhaps too high to capture all price spike events." Sierra Club supports EDF's proposal to reduce the cost threshold used to define gas price spikes. Decision at 158	Verified
8. Changes to Ratepayer Protections	"We are persuaded to adopt EDF's alternative recommendation to require	Verified

EDF's comments on the Proposed Decision at 2	gas utilities to keep an updated list of resources that they can then communicate to customers during a gas price spike." Decision at 161	

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c. If so, provide name of other parties: Sierra Club		Noted
d. Intervenor's claim of non-duplication: EDF worked diligently to ensure that Sierra Club did not duplicated efforts. EDF's views on consumer protections, environmental protections and customer affordability were unique. EDF acknowledges that its views to not develop new gas based capital infrastructure to respond to price spikes were shared by other parties, and the Commission ultimately did not authorize new infrastructure investments as part of this OII.		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 was very targeted in its intervention in this proceeding ad focused on ensuring that no new long term environmental harm came from a response to the gas price spike. EDF also focused on fuel switching and customer affordability measures.	Noted
b. Reasonableness of hours claimed:	Noted

	CPUC Discussion
EDF's allocation of hours is reasonable in light of the volume of record submitted. EDF did the bulk of the work using in house resources, and only used outside counsel for less than 14 hours of total time. EDF notes that for its outside counsel Ms. Kelly that 100% of funds awarded to EDF that were allocated to Ms. Kelly are pass-thru to Ms. Kelly. EDF does not hold back any of her funds to cover administrative costs.	
c. Allocation of hours by issue:	EDF did not provide an allocation of hours by issue. Although issue-level allocation is required, the overall hours appear reasonable relative to the record and the level of participation. We therefore accept the hours as filed but remind EDF to provide issue-by-issue allocation in future claims.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Michael Colvin	2023	21	520	D.24-12-072	$10,920.00	19.10 [1]	520.00 [2]	$9,932.00
Joon Hun Seong	2023	12	330	D.23-11-115	$3,960.00	6.25 [3]	245.00 [4]	$1,531.25
Beth Kelly	2023	10.2	600	Authorized 2022 rate from D.24-10-029 + 5%	$6,120.00	9.05 [5]	600.00 [6,7]	$5,430.00

CLAIMED						CPUC AWARD		
Michael Colvin	2024	7.5	595	D.25-12-013	$4,462.50	7.50	595.00 [2]	$4,462.50
Joon Hun Seong	2024	11	275	D.25-11-022	$3,025.00	7.00 [8]	275.00 [4]	$1,925.00
Beth Kelly	2024	3.0	650	D.25-11-022	$1,950.00	3.00	650.00 [6,7]	$1,950.00
Michael Colvin	2026	9.75	650	New requested rate from requested 2025 rate + 5% COLA	$6,337.50	9.75	650.00 [2]	$6,337.50
					Subtotal: $ 36,775.00			***Subtotal: $31,568.25***
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Beth Kelly	2023	0.3	300	½ authorized 2023 rate	$90.00	0.30	300.00 [6,7]	$90.00
Michael Colvin	2026	2.5	325	½ requested 2026 rate	$812.50	2.50	325.00 [2]	$812.50
					Subtotal: $902.50			***Subtotal: $902.50***
					TOTAL REQUEST: $37,677.50			***TOTAL AWARD: $32,470.75***

*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate

ATTORNEY INFORMATION			
Attorney	**Date Admitted to CA BAR[2]**	**Member Number**	**Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation**
Elizabeth Kelly	12/28/2009 (CA) 3/5/2007 (NY)	268401 (CA) 4488938 (NY)	No

[2] This information may be obtained through the State Bar of California's website at https://apps.calbar.ca.gov/attorney/LicenseeSearch/QuickSearch.

CLAIMED			CPUC AWARD

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

Attachment or Comment #	EDF's Description/Comment
1	Certificate of Service
2	Timesheet

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Reduction of Hours for Michael Colvin in 2023	*Unnecessary Duplication, Excessive Hours* The Commission compensates intervenors for reasonable and efficient participation that contributes to the development of the record and aids in decision-making. However, we find that certain EDF time records reflect duplicative efforts, with multiple representatives performing the same tasks that could have been handled by a single representative, given the relative simplicity or limited scope of the issues involved. Colvin and other representatives claimed hours for drafting comments in response to the Assigned Commissioner's Ruling. Given the substance, limited complexity, and scope of the work performed, as reflected in approximately nine pages of comments, we find the claimed hours excessive and conclude that the participation of multiple representatives was not reasonably necessary. Accordingly, we reduce 1.50 hours of Colvin's efforts on this task. Description / Date / Time: Draft comments in response to Assigned Commissioner's Ruling / 9/25/2023 / 5.50 *Pre-Hearing Conference Participation (PHC)* Attendance at a PHC is compensable. The PHC held on May 16, 2023 lasted approximately 37 minutes, yet Michael Colvin claimed 1.00 hour for his participation. The record does not indicate any substantial preparation or follow-up activities beyond attendance at the conference itself.

[3] EDF's attachments not included with Final Decision.

<table>
<tr><th>Item</th><th>Reason</th></tr>
<tr><td></td><td>Given the routine nature of PHCs and the intervenor's familiarity with Commission procedures, the claimed time appears disproportionate to the PHC's duration and complexity. Accordingly, we reduce the claimed time by 0.40 hours to more accurately reflect the time spent attending the PHC.

The total hours reduced for Michael Colvin in 2023 is 1.90 hours.</td></tr>
<tr><td>[2] Michael Colvin's 2023, 2024 & 2026 Hourly Rate</td><td>EDF requested hourly rates of $520 for 2023, $595 for 2024, and $650 for 2026 for Michael Colvin. We find these rates reasonable for Michael Colvin in his capacity as an Expert - Public Policy Analyst – V, and therefore adopt the requested rates. As Intervenor Compensation Claim Preparation hours are compensated at half the preparer's standard hourly rate, we approve the rate of $325.00 for intervenor compensation claim preparation work performed in 2026.</td></tr>
<tr><td>[3] Reduction of Hours for Joon Hun Seong in 2023</td><td><u>Unnecessary Duplication, Excessive hours</u>

The Commission compensates intervenors for reasonable and efficient participation that contributes to the development of the record and aids in decision-making. However, we find that certain EDF time records reflect duplicative efforts, with multiple representatives performing the same tasks that could have been handled by a single representative, given the relative simplicity or limited scope of the issues involved.

Because this additional staffing did not provide sufficient added value to the proceeding to justify compensation, we reduce the hours below by 2.25 hours to ensure that only reasonable and non-duplicative efforts are compensated.

<table>
<tr><th>Description</th><th>Date</th><th>Time</th></tr>
<tr><td>Research IEPR to pull charts and tables</td><td>4/14/2023</td><td>4.50</td></tr>
</table>

Additionally, we find that the time spent drafting comments in response to the Assigned Commissioner's Ruling excessive. While some of these comments may have been helpful, the time claimed was disproportionate to the scope and complexity of the work. The burden is on the intervenor to demonstrate that all hours claimed were reasonably and productively spent making a substantial contribution to the decision. In this instance, EDF failed to provide sufficient justification for the level of effort claimed.

In assessing reasonableness, the Commission considers the substance, complexity, and the extent to the work performed. Here, the September 26, 2023, comments were approximately 9 pages long, and did not involve significant technical analysis, data review, modeling, or other complicated</td></tr>
</table>

<table>
<tr><th>Item</th><th>Reason</th></tr>
<tr><td></td><td>evaluation that would reasonably require multiple full-day drafting sessions. Accordingly, we find the claimed hours excessive and reduce the entry below by 3.50 hours.

<table><tr><th>Description</th><th>Date</th><th>Time</th></tr><tr><td>Draft comments in response to Assigned Commissioner's Ruling</td><td>9/25/2023</td><td>7.50</td></tr></table>
The total hours reduced for Joon Hun Seong in 2023 is 5.75 hours.</td></tr>
<tr><td>[4]
Joon Hun Seong’s 2023-2024 Hourly Rate</td><td>EDF requested hourly rates of $330.00 for 2023 and $275 for 2024 for Joon Hun Seong. We find the hourly rates of $245 for 2023 and $275 for 2024 Joon Hun Seong in their capacity as an Expert - Public Policy Analyst – II reasonable and approve them here, as supported in D.23-11-064 and D.25-09-025.</td></tr>
<tr><td>[5]
Reduction of Hours for Beth Kelly in 2023</td><td><u>Lack of Substantial Contribution</u>

The Commission compensates intervenors for reasonable and efficient participation that contributes to the development of the record and aids in decision-making. However, we find the claimed hours below lack the details of how such efforts advanced the record or contributed to the Commission’s decision-making process. Accordingly, we reduce the entries below by 0.45 hours to ensure that only reasonable and non-duplicative efforts are compensated.

<table><tr><th>.Description</th><th>Date</th><th>Time</th></tr><tr><td>Call with Mr. Colvin regarding OII</td><td>3/13/2023</td><td>0.20</td></tr><tr><td>Call with Mr. Colvin on OII Comments</td><td>4/19/2023</td><td>0.40</td></tr><tr><td>Call with Mr. Colvin on OII Comments and next steps</td><td>4/21/2023</td><td>0.20</td></tr><tr><td>Call with Mr. Colvin regarding PHC</td><td>5/16/2023</td><td>0.10</td></tr></table>
<u>Administrative and Clerical Work</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 have adjusted the entries below for a reduction of 0.10 hours:</td></tr>
</table>

<table>
<tr><th>Item</th><th>Reason</th></tr>
<tr><td></td><td>
<table>
<tr><th>Description</th><th>Date</th><th>Time</th></tr>
<tr><td>Review Notice of PHC; notify client of NOI deadline</td><td>5/4/2023</td><td>0.10</td></tr>
</table>

<u>Pre-Hearing Conference Participation</u>
Attendance at the PHC is compensable. The PHC held on May 16, 2023, lasted approximately 37 minutes, yet Beth Kelly claimed 1.20 hours for her participation. The record does not indicate any substantial preparation or follow-up activities beyond attendance at the conference itself.

Given the routine nature of PHCs and the intervenor's familiarity with Commission procedures, the claimed time appears disproportionate to both the PHC's duration and complexity. Accordingly, we reduce the claimed time by 0.60 hours to more accurately reflect the time spent attending the PHC.

The total hours reduced for Beth Kelly in 2023 is 1.15 hours.
</td></tr>
<tr><td>[6]
Beth Kelly's 2023-2024 Hourly Rate</td><td>
EDF has confirmed that Elizabeth Kelly 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.[4] Per the IComp Program Guide at 24, the Commission may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)).

EDF has confirmed that per the terms of their contract, Elizabeth Kelly has been hired on a contingency rate basis, meaning that Elizabeth Kelly has agreed to defer the consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Elizabeth Kelly's experience as a Legal - Attorney – V.

Given that the 2023 rate range for Legal - Attorney - V is $534.32 to $747.04, we find a 2024 hourly rate of $625.00 to be reasonable and we adopt it here. We take half of Elizabeth Kelly's 2023 rate for an IComp preparation rate of $312.50.

Given that the 2024 rate range for Legal - Attorney - V is $560.95 to $773.67, we find a 2024 hourly rate of $650.00 to be reasonable and we adopt it here.

The award determined herein for Elizabeth Kelly's contribution in this
</td></tr>
</table>

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

Item	Reason
	proceeding shall be paid in full to Elizabeth Kelly, 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.
[7] Intervenor Responsibility for Transparency and Accuracy in Compensation Requests	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. Intervenor compensation is funded by ratepayers, and the Commission takes seriously any effort to mislead or obscure the financial basis for a claim. Although no violation of Rule 1.1 has been found in this instance, we remind intervenors that under Rule 1.1, intent to deceive is not required for a violation, misstatements may still be actionable. Dishonest or misleading claims not only risk denial of compensation but may also subject the intervenor to penalties. The Commission has clear authority to audit intervenors' books and records to verify the basis for any award. Intervenors must therefore ensure full transparency regarding actual time spent on issues, consultant fees, payment arrangements, and the actual disbursement of funds. Failure to meet this obligation undermines the integrity of the compensation process and may lead to denial of claims or further enforcement action.
[8] Reduction of Hours for Joon Hun Seong in 2024	*Excessive Hours* Seong claimed seven hours to draft comments on potential relief measures, which we find excessive. While some of these comments may have been helpful, the time claimed was disproportionate to the scope and complexity of the work. The burden is on the intervenor to demonstrate that all claimed hours were reasonably and productively spent making a substantial contribution to the decision. In this instance, EDF failed to provide sufficient justification for the level of effort claimed. In assessing reasonableness, the Commission considers the substance, complexity, and the extent of the work performed. Here, the 06/10/2024 comments were approximately 5 pages long, and did not involve new technical analysis, data review, modeling, or complicated evaluation that would reasonably require the time claimed. Accordingly, we reduce a total of 4.00 hours from the below entry.

Item	Reason
	Description: Draft comments on potential relief measurers; Date: 6/9/2024; Time: 7.00

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

A. Opposition: Did any party oppose the Claim?	No

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. Environmental Defense Fund has made a substantial contribution in some aspects to D.26-02-058.
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 Environmental Defense Fund, 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 $32,470.75.

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 $32,470.75.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Gas Company, San Diego Gas & Electric Company, and Southwest Gas shall pay Environmental Defense Fund their respective shares of the award, based on their California-jurisdictional gas 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 gas 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 18, 2026, the 75th day after the filing of Environmental Defense Fund's request, and continuing until full payment is made.

This decision is effective today.

Dated _____, at Sacramento, California.