

Decision 21-02-018 February 11, 2021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of Energy Efficiency Rolling Portfolio Business Plan.	Application 17-01-013
And Related Matters.	Application 17-01-014 Application 17-01-015 Application 17-01-016 Application 17-01-017

**DECISION GRANTING COMPENSATION TO
 NATURAL RESOURCES DEFENSE COUNCIL
 FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-02-029**

Intervenor: Natural Resources Defense Council	For contribution to Decision (D.) 20-02-029
Claimed: \$4,717.50	Awarded: \$4,730.00
Assigned Commissioner: Liane Randolph	Assigned ALJs: Julie Fitch and Valerie Kao

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	In this Order, we dispose of the application for rehearing of D.18-05-041 (or “Decision”), filed by the Public Advocates Office at the California Public Utilities Commission (“Cal. Advocates”).
--	---

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	3/16/18	March 16, 2017
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	4/17/17	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.17-01-013 et al.	Verified
6. Date of ALJ ruling:	May 3, 2017	Verified
7. Based on another CPUC determination (specify):	n/a	
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.17-01-013 et al.	Verified
10. Date of ALJ ruling:	May 3, 2017	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.20-02-029	Verified
14. Date of issuance of Final Order or Decision:	02/10/20	Verified
15. File date of compensation request:	03/24/20	Verified
16. Was the request for compensation timely?		Yes

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

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Policy Issue: Cost-Effectiveness</p> <p>Since the final decision on the business plans was published, the main focus on cost-effectiveness surround the review, advocacy, and response to Cal PA’s (formerly ORA) application for a rehearing of the final decision’s order ruling that the business plans must meet a forecasted TRC and PAC of 1.0 until 2022.</p> <p>NRDC analyzed the application, discussed with numerous parties, and wrote a response co-filed with 5 parties and signed on to by 27 stakeholders and parties.</p> <p>In particular, NRDC argued to deny the rehearing because:</p> <ol style="list-style-type: none"> 1. The decision on the business plan was based on a robust record, 2. Following Cal PA’s guidance would unduly harm lower and middle-income customers as well as those that are harder to reach and in disadvantaged communities, 3. Cal PA’s claims that the decision would burden customers are factually inaccurate, 4. Past experience does not inform future efforts since the utilities are bidding out the majority of their portfolio, and 5. Rehearing would delay the bidding and/or increase risk for 	<p>Joint Parties’ Response to Cal PA’s request for rehearing July 20, 2018.</p> <p>While not explicitly referenced in the denial of the rehearing request, the arguments made by the Joint Parties provide support for the conclusions of in the decision:</p> <ol style="list-style-type: none"> 1. The interim cost-effectiveness standard adopted by D.18-05-041 for the business plans in the ramp years is lawful. (D.20-02-29, p.3-7) 	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
implementers as well as favor larger implementers that focus on high energy-saving programs creating an inequity across customers.		

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?²	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Noted
c. If so, provide name of other parties: We took similar positions to Greenlining, CEDMC, MCE, SBUA.		Noted
d. Intervenor’s claim of non-duplication: NRDC worked extensively to avoid duplication both within our organization and with other parties and worked closely with other stakeholders to coordinate a single filing on that matter. Furthermore, NRDC provides supplemental as well as complementary input and perspectives as we are the main environmentally-focused organization in this proceeding, and the main advocate besides PAO that participates in all aspects of energy efficiency at the Commission (e.g., program planning, policy foundation, procurement planning, etc.). In addition, NRDC is a national organization and brings the expertise on energy efficiency best practices from other states, regions, administrators, implementers, and think tanks to support the strong foundation in California and improve policies and programs where necessary. We therefore offer a unique perspective and represent a different constituency, not otherwise represented, further evidence that our participation is not duplicative.		Noted

² The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

	Intervenor’s Assertion	CPUC Discussion
	<p>Finally, while we strive for collaboration, we note the inherent tension that arises in two aspects of Commission policy and practice. On the one hand, a party’s “participation ... may be fully eligible for compensation if the participation makes a substantial contribution to a commission order or decision,” even if it “supplements [or] complements...the presentation of another party, including the commission staff.” Pub. Util. Code s. 1802.5. This clearly means that a party can receive full compensation for addressing an issue that other parties in the proceeding have addressed as well. On the other hand, the intervenor program “shall be administered in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented...” Pub. Util. Code s. 1801(f); see also Commission Rule 17.4. The Commission in fact does reduce claims on the basis that a party’s participation was deemed duplicative.</p> <p>Since we took many efforts to reduce duplication (e.g., assign who writes what, omit hours for internal coordination, and omit hours for email communications, which at times were extensive, and work closely with other parties), NRDC’s hours should not be deducted for potential similar work or duplication.</p>	

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Intervenor’s claim of cost reasonableness:	CPUC Discussion
<p>NRDC contributed substantially to the issues addressed in this decision. By ensuring that the programs could move forward and that funding could be invested as originally envisioned by the Commission, NRDC helped ensure that customers can receive energy upgrades through prudently used funding to yield real greenhouse gas emission reductions and serve all customers, especially those that are harder to reach and that live in disadvantaged communities.</p> <p>The savings that will result from effective programs will also substantially reduce energy costs as efficiency continues to be the cheapest resource and the least expensive way to eliminate</p>	<p>Noted</p>

<p>greenhouse gasses and other pollutants associated with conventional energy production.</p> <p>NRDC was also conservative in how we claimed time, only claiming for formal meetings with parties and CPUC staff/advisors rather than all time for informal chats and emails, which amount to a much higher tally of hours than what is being claimed here.</p>	
<p>b. Reasonableness of hours claimed:</p> <p><i>NRDC's Claims are Reasonable and Conservative</i></p> <p>Lara Ettenson was the sole NRDC staffer working on this effort. She has worked on energy efficiency since 2007, including substantial work on cost-effectiveness matters. We only claim for Ms. Ettenson even though she worked closely with multiple NRDC staff who consulted regularly on the issues in the proceeding, provided substantive work, technical support, and/or guidance particular to their area of expertise.</p> <p>The rate requested by NRDC is purposefully conservative and low on the ranges approved by the Commission, even though the levels of expertise would justify higher rates. NRDC maintained detailed time records indicating the number of hours that were devoted to proceeding activities. All hours represent substantive work related to this proceeding.</p> <p>The amounts claimed are further conservative for the following reasons: (1) No time is claimed for internal coordination within NRDC, only for substantive policy development; (2) although NRDC spent time developing and coordinating positions with other stakeholders, we only claim partial time for this coordination as noted above; (3) we do not claim time for substantive review by NRDC staff, even though their expertise was critical to ensuring productive recommendations; (4) we claim no time for travel, and (5) we claim no time for writing ex parte notices (pre/post) or other advocacy materials (e.g., blogs) outside of the CAEECC and CPUC processes.</p> <p>In sum, NRDC made numerous and significant contributions on behalf of environmental and customer interests, all of which required extensive research, analysis, collaboration, and participation. We took every effort to coordinate with other stakeholders to reduce duplication and increase the overall efficiency of the proceeding. Since our work was efficient, hours</p>	<p>Noted</p>

conservative, and billing rates low, NRDC’s request for compensation should be granted in full.	
<p>c. Allocation of hours by issue:</p> <p>A: PAO (formerly ORA) motion for rehearing – 100%</p>	Noted

B. Specific Claim: *

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
L. Ettenson	2018	21.50	\$215	D.19-10-051	\$4,622.50	21.5	\$215	\$4,622.50
Subtotal: \$4,622.50						Subtotal: \$4,622.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
L. Ettenson	2018	1	\$95.00	1/2 of 2018 rate	\$95.00	1	\$107.50 [1]	\$107.50
Subtotal: \$95.00						Subtotal: \$107.50		
TOTAL REQUEST: \$4,717.50						TOTAL AWARD: \$4,730.00		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that 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.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR ³			Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation			
n/a								

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

C. Attachments Documenting Specific Claim and Comments on Part III (attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
Attachment 1	Lara Ettenson’s time record

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	Ms. Ettenson’s 2018 rate is \$215. Half of her rate is \$107.50, not \$95 as noted. We correct the amount to reflect the actual value.
[2]	The intervenor compensation request submitted did not include all necessary elements. In the future, please utilize the most recent Intervenor Compensation Claim form on the CPUC website at the following link: https://www.cpuc.ca.gov/icompl/

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. Natural Resources Defense Council has made a substantial contribution to D.20-02-029.
2. The requested hourly rates for Natural Resources Defense Council’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$4,730.00.

CONCLUSION OF LAW

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

ORDER

1. Natural Resources Defense Council shall be awarded \$4,730.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay Natural Resources Defense Council the total award based on their California jurisdictional electric and gas revenues for the 2018 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric and gas revenue data shall be used. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning Federal Reserve Statistical Release H.15, beginning June 7, 2020, the 75th day after the filing of National Resources Defense Council'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 February 11, 2021, at San Francisco, California.

MARYBEL BATJER
President
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
Commissioners

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D2102018	Modifies Decision?	No
Contribution Decision(s):	D2002029		
Proceeding(s):	A1701013, A1701014, A1701015, A1701016, and A1701017		
Author:	ALJ Fitch and ALJ Kao		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
Natural Resources Defense Council	03/24/2020	\$4,717.50	\$4,730.00	N/A	Correct Intervenor Compensation Claim Preparation Rate

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Lara	Ettenson	Expert	\$215	2018	\$215

(END OF APPENDIX)