



Decision _____

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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
CALIFORNIA**

Order Instituting Rulemaking to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements.	R. 16-02-007 February 11, 2016
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**INTERVENOR COMPENSATION CLAIM OF [Environmental Defense Fund]
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF
[Environmental Defense Fund]**

NOTE: After electronically filing a PDF copy of this Intervenor Compensation Claim (Request), please email the document in an MS WORD and supporting EXCEL spreadsheet to the Intervenor Compensation Program Coordinator at icompcoordinator@cpuc.ca.gov.

Intervenor: Environmental Defense Fund	For contribution to Decision (D.) 19-04-040
Claimed: \$111,420.50	Awarded: \$
Assigned Commissioner: Liane Randolph	Assigned ALJ: Julie A. Fitch
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
Signature:	/s/ Larissa Koehler
Date: June 18, 2019	Printed Name: Larissa Koehler

PART I: PROCEDURAL ISSUES
(to be completed by Intervenor except where indicated)

A. Brief description of Decision:	Decision 19-04-040 provides an evaluation of integrated resource plans (IRPs) from Commission-jurisdictional load serving entities, including whether IRPs contain all the requisite information; further, the Commission intends to develop a citation program for load-serving entities that fail to file an IRP altogether. In addition, the Commission addresses arguments that the Hybrid Conforming Portfolio (HCP) will result in unacceptable levels of greenhouse gas emissions and confirms that the IRPs did not collectively “result in a diverse and balanced portfolio of resources needed to ensure a sufficiently reliable or environmentally
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	beneficial statewide electricity resource portfolio” and that it is more appropriate to use the previously developed Reference System Portfolio with more up to date assumptions for the Integrated Energy Policy Report released in 2017 and a 40-year assumption for life of fossil-fueled generation. The decision recommends that the California Independent System Operator (CAISO) utilize the preferred system plan (PSP) as both the reliability base and the policy-driven base case for its 2019-20 Transmission Planning Process. D. 19-04-040 goes on to recognize that there needs to be a heavy focus on procurement by community choice aggregators to serve expanding load and that additional attention is needed in order to preserve near and medium-term reliability planning – both reasons of which require a procurement track. Finally, the decision requires that Pacific Gas & Electric include in its next IRP a section explicitly addressing the need for replacement energy for Diablo Canyon that does not unduly raise emissions.
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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:	April 26, 2016	
2. Other specified date for NOI:		
3. Date NOI filed:	May 19, 2016	
4. Was the NOI timely filed?		
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R. 12-06-013	
6. Date of ALJ ruling:	February 25, 2013	
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		

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

Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	A. 17-10-007/008	
10. Date of ALJ ruling:	September 10, 2018	
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D. 19-04-040	
14. Date of issuance of Final Order or Decision:	April 25, 2019	
15. File date of compensation request:	June 18, 2019	
16. Was the request for compensation timely?		

C. Additional Comments on Part I: (use line reference # as appropriate)

#	Intervenor’s Comment(s)	CPUC Discussion

PART II: SUBSTANTIAL CONTRIBUTION
(to be completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(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
1. EDF filed initial comments on September 12, 2018 in response to individual IRPs.	“On September 12, 2018, initial comments on the individual IRPs were filed by the following parties...Environmental Defense Fund...” (D. 19-04-040 at 8.)	
2. EDF filed reply comments on September 26, 2018 in response to individual IRPs.	“Reply comments on the individual IRP filings were filed on September 26, 2018 by the following parties...EDF...” (D. 19-04-040 at 8.)	

5. EDF submitted comments in response to an ALJ ruling dealing with recommendations about the resource portfolio to use for the PSP, issued on January 11, 2019.	“Comments in response to this ALJ ruling were submitted on or before January 31, 2019 by the following parties...EDF...” (D. 19-04-040 at 10.)	
6. EDF submitted reply comments in response to the January 11, 2019 ruling.	“Reply comments were submitted on or before February 11, 2019 by the following parties...EDF...” (D. 19-04-040 at 10.)	
7. EDF submitted opening comments on the November 16, 2018 joint ruling by the Assigned Commissioner and ALJ addressing policy issues related to reliability.	“Comments in response to the joint Assigned Commission and ALJ Ruling were filed on or before December 20, 2018 by the following parties...EDF...” (D. 19-04-040 at 11.)	
8. EDF submitted reply comments on the November 16, 2018 joint ruling.	“Reply comments were filed on or before January 14, 2019 by the following parties...EDF...” (D. 19-04-040 at 11.)	
9. EDF was an opponent of using the HCP, as we concurred with other parties that it created an unacceptable risk of increased emissions – and therefore created a situation in which achievement of critical state goals might be less viable.	“Numerous parties opposed the HCP being used as the basis for the PSP, including...EDF.” (D. 19-04-040 at 98.)	
10. EDF further recommended that a PSP not be adopted at this juncture, or just be an interim solution while a more appropriate solution was established.	“In addition, several parties, including CEERT and EDF, recommended that a PSP not be adopted at this time at all, or that it be labeled an “interim” plan.” (D. 19-04-040 at 98.)	
11. EDF joined many other parties in positing that better coordination with CAISO is needed in order to correctly model transmission and congestion impacts.	“In general, many parties felt that the Commission needs better coordination with the CAISO regarding transmission availability and congestion, to avoid some of these issues in the future.” (D. 19-04-040 at 99.)	
12. EDF advocated for better inclusion of impacts to disadvantaged communities and more complete information in IRPs with respect to presence of criteria pollutants in these communities.	“In addition, many parties commented that the Commission has not done enough work prioritizing issues in disadvantaged communities, and that more work is needed to attribute air pollutants correctly.” (D. 19-04-040 at 100.)	

13. Though not listed by the Commission, EDF recommended against use of the HCP.	“Parties recommending against the use of the HCP as a reliability base case included AWEA, CEERT, SCE, Reid, Cal Advocates, Hell’s Kitchen, CEJA and Sierra Club.”	
14. EDF emphasized the need to incorporate increasing amounts of distributed energy resources, as a way to recognize the new reality of the grid and ensure the grid is full of nimble, clean resources that can continue to ensure reliability.	“Some parties commented on the importance of the rise of distributed energy resources, as well as the likely need for additional reliability resources to serve load associated with electrification of buildings and transportation. These parties include EDF and Vote Solar. (D. 19-04-040 at 130.)	
15. EDF cautioned against maintaining status quo rules in the face of rapidly multiplying energy providers, suggesting that the Commission consider fractional contracting or centralized buyers.	“Additional parties focused on the issue of having so many more LSEs now than historically. EDF pointed out that some solutions are fractional contracting and centralized buyers for reliability resources.” (D. 19-04-040 at 130.)	
16. EDF cautioned against overreliance on out-of-state hydro, both because of possible emission leakage issues, and because frequent drought conditions in California make undue reliance on this resource dangerous.	“We do agree that we should be concerned about the dynamics related to reliance on imports, including Northwest hydro.” (D. 19-04-040 at 133.)	
17. EDF recognized that there may be some amount of natural gas resources necessarily present on the system in 2030 in order to maintain reliability, but believes that emphasis should be put on clean resources, particularly distributed energy resources (DERs), in order to minimize reliance on natural gas to the extent possible.	“While we are focused on minimizing the operation of fossil-fueled resources to the extent possible, especially in disadvantaged communities, there will still be the need to contract with existing natural gas resources needed to maintain system reliability as well as affordable electricity in the state while this broader transition is underway.” (D. 19-04-040 at 135.) “We have amended the language above related to natural gas resources to make clear that while we do assume that some natural gas is needed through at least 2030, we will continue to focus on displacing as much natural gas as possible to reach our emissions goals, consistent with maintaining a	

	reliable electric system.” (D. 19-04-040 at 141.)	
18. EDF filed supportive comments in response to the Joint Petition for Modification, concurring with other parties that resource procurement in the wake of Diablo Canyon needed to avoid any increase in GHG emission from the closure of Diablo and that any actions needed to be given full consideration in the IRP proceeding.	<p>“Timely responses to the Joint PFM were filed by AWEA, CalCCA, POC, and jointly by the following parties...EDF...” (D. 19-04-040 at 143.)</p> <p>“The Joint Responders (GPI, UCS, EDF, CEERT, Sierra Club, and CEJA) strongly support the Commission considering the impact of the retirement of Diablo Canyon in this proceeding, and suggest that the scope be amended to specifically include this topic...in particular, the Joint Responders suggest that the Commission give explicit direction to all LSEs to plan for the retirement of Diablo Canyon in their individual IRPs...the Joint Responders suggest several procedural steps that the Commission should take to ensure replacement of Diablo Canyon power with GHG-free resources...” (D. 19-04-040 at 145.)</p>	
19. EDF was one of the parties that made it clear, along with CEJA and Sierra Club, that further detail on plans to reduce criteria pollution is needed.	<p>“In the area of planning assumptions, CEJA and Sierra Club, as well as PG&E, commented that the majority of the LSEs did not engage in the comprehensive planning necessary for California to achieve its GHG and air pollutant requirements and goals. In particular, they commented that it is unclear how the IRPs will provide assurance that California is on the path to meet its GHG and criteria air pollutant requirements when nearly all LSE stress how uncertain their assumptions are and that the type of resources procured are likely to change from their plans.” (D. 19-04-040 at 152.)</p>	
20. EDF filed reply comments on the proposed decision.	<p>“Reply comments were filed on or before April 15, 2019 by the following parties...EDF...” (D. 19-04-040 at 158.)</p>	

21. EDF advocated for a stronger mechanism to ensure compliance from LSEs filing IRPs in reply comments.	“...all of the large IOUs, as well as TURN, Sierra Club, and CEJA, requested that we commit to developing an enforcement mechanism sooner rather than later, particularly in light of the fact that one LSE failed to provide an IRP at all in this round.”	
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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	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: Natural Resources Defense Council, Sierra Club, Union of Concerned Scientists, California Environmental Justice Alliance		
d. Intervenor’s claim of non-duplication: EDF produced stand-alone documents and analysis, including constructive suggestions for restructuring market rules to accommodate increasing numbers of load-serving entities (such as fractional contracting and centralized buyers) and emphasized the importance of focusing on inclusion of existing and procurement of distributed energy resources in order to ensure a flexible, cleaner energy system.		

C. Additional Comments on Part II: (use line reference # or letter as appropriate)

#	Intervenor’s Comment	CPUC Discussion

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.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**(to be completed by Intervenor except where indicated)****A. General Claim of Reasonableness (§ 1801 and § 1806):**

	CPUC Discussion
a. Intervenor's claim of cost reasonableness: EDF's costs were reasonable for investigation of the application. The office carefully considered its advocacy during the course of the docket and attempted to use cost-effective methods over the course of the proceeding.	
b. Reasonableness of hours claimed: EDF worked diligently throughout the process to only spend a reasonable and prudent amount of time.	
c. Allocation of hours by issue: All of EDF's work focused on ensuring that utility IRPs were poised to achieve important air quality and GHG emission reduction goals. In particular, EDF emphasized the importance of strategically located and placed distributed energy resources in order to minimize the amount of natural gas needed on the system. As well, EDF focused on the need to ensure replacement capacity from Diablo Canyon did not result in an increase in greenhouse gas emissions, and ensuring that disadvantaged communities are well-placed to benefit from these IRPs.	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Larissa Koehler	2018	69	\$330	ALJ-352	\$22,770			
Yochi Zakai	2018	44.2	\$330	ALJ-352	\$14,586			
Ellison Folk	2018	13.2	\$585	ALJ-352	\$7,722			
Lauren Tarpey	2018	48.7	\$210	ALJ-352	\$10,227			
Steven Moss	2018	42	\$215	ALJ-352	\$9,030			
James Fine	2018	17.5	\$365	ALJ-352	\$6,387.5			
Michael Colvin	2018	3.5	\$300	ALJ-352	\$1,050			
Larissa Koehler	2019	28.5	\$330	ALJ-357	\$9,405			

Yochi Zakai	2019	81.5	\$330	ALJ-357	\$26,895						
Ellison Folk	2019	3.1	\$585	ALJ-357	\$1813.5						
Subtotal: \$109,886						Subtotal: \$					
OTHER FEES											
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):											
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$			
Subtotal: \$						Subtotal: \$					
INTERVENOR COMPENSATION CLAIM PREPARATION **											
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$			
Larissa Koehler	2019	7	\$165	ALJ-357	\$1,155						
Yochi Zakai	2019	2.3	\$165	ALJ-357	\$379.5						
Subtotal: \$1534.50						Subtotal: \$					
COSTS											
#	Item	Detail			Amount	Amount					
1.											
2.											
Subtotal: \$						Subtotal: \$					
TOTAL REQUEST: \$111,420.50						TOTAL 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 ³	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Larissa Koehler	June 2013	589281	No

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Resume of Larissa Koehler
3	Biographies of Ellison Folk, Yochanan Zakai, and Lauren Tarpey
4	Resume of Steven Moss
5	Resume of James Fine
6	Resume of Michael Colvin
7	Allocation of Time for Koehler, Zakai, Folk, Tarpey, Moss, Fine, and Colvin
	<p>As the proceeding and its focus developed, personnel necessary to advocate and advance EDF’s priorities necessarily shifted as well. To that end, representatives from outside counsel Shute Mihaly Weinberger (Yochanan Zakai, Ellison Folk, and Lauren Tarpey) were not listed, nor were Steven Moss or Michael Colvin. A brief description of their experience follows. Relatedly, Lauren Navarro did not end up lending her expertise in this proceeding.</p> <p>Yochi Zakai is an attorney at Shute Mihaly Weinberger with nearly 7 years of experience, including 4 years at the Washington State Utilities and Transportation and an internship at the Hawaii Public Utilities Commission. He is well-versed in energy transactions and utility regulations.</p> <p>Ellison Folk is a partner at Shute Mihaly Weinberger and has been with the firm since 1990. She has an extensive amount of experience representing environmental organizations at the Commission on a wide variety of proceedings.</p>

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

	<p>Lauren Tarpey is a recent graduate of Stanford Law School in 2017 and joined Shute Mihaly Weinberger as a fellow in 2018.</p> <p>Steven Moss is an outside technical consultant with EDF. He has over 20 years of experience in utility regulation.</p> <p>Michael Colvin is a Director of Regulatory and Legislative Affairs at Environmental Defense Fund and has 11 years of experience in energy policy and utility regulation.</p>
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D. CPUC Comments, Disallowances, and Adjustments (*CPUC completes*)

Item	Reason

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?	
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

(Green items to be completed by Intervenor)

FINDINGS OF FACT

1. Environmental Defense Fund [has/has not] made a substantial contribution to D.19-04-040.
2. The requested hourly rates for Environmental Defense Fund's representatives [, as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [, as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$_____.

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. [Environmental Defense Fund] shall be awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay [Environmental Defense Fund] the total award. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay [Environmental Defense Fund] their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent [industry type, for example, 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 [date], 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/is not] waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	D. 19-04-040		
Proceeding(s):	R. 16-02-007		
Author:			
Payer(s):			

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Environmental Defense Fund	June 18, 2019			N/A	

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Larissa	Koehler	Attorney	\$330	2019	
Yochi	Zakai	Attorney	\$330	2019	
Ellison	Folk	Attorney	\$585	2019	
Lauren	Tarpey	Attorney	\$210	2019	
Steven	Moss	Expert	\$215	2019	
James	Fine	Expert	\$365	2019	
Michael	Colvin	Expert	\$300	2019	

(END OF APPENDIX)