



Decision _____

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

07/05/22

04:59 PM

Application of San Diego Gas & Electric Company
(U902M) for Establishment of an Interim Rate Relief
Mechanism for its Wildfire Mitigation Plan Costs.

Application 21-07-017
(Filed July 30, 2021)

A2107017

**INTERVENOR COMPENSATION CLAIM OF UTILITY CONSUMERS' ACTION
NETWORK AND DECISION ON INTERVENOR COMPENSATION CLAIM OF
UTILITY CONSUMERS' ACTION NETWORK**

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 lcompcoordinator@cpuc.ca.gov.

Intervenor: Utility Consumers' Action Network		For contribution to Decision (D.) 22-05-001
Claimed: \$19,392.75		Awarded: \$
Assigned Commissioner: Darcie L. Houck		Assigned ALJ: Nilgun Atamturk
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/ Edward Lopez
Date: July 5, 2022	Printed Name:	Edward Lopez

PART I: PROCEDURAL ISSUES

(to be completed by Intervenor except where indicated)

A. Brief description of Decision:	On July 30, 2021, San Diego Gas & Electric Company (SDG&E) filed an Application to establish an Interim Rate Relief (IRR) mechanism for wildfire mitigation expenditures recorded in its Wildfire Mitigation Plan Memorandum Accounts. Under the IRR mechanism, SDG&E proposed to recover 50 percent of the recorded wildfire mitigation expenditures (i.e., costs that are incremental to those authorized for recovery in SDG&E's general rate case (GRC) and other wildfire-related regulatory accounts), subject to a later reasonableness review. SDG&E proposed
--	---

	<p>that Wildfire Mitigation Plan Memorandum Account costs incurred between 2019 and 2021 be amortized over 20 months and subsequent expenditures be amortized over an annual period. SDG&E did not seek a finding of reasonableness of these costs or of final approval to recover them in this application.</p> <p>Protests to the Application were timely filed by the California Farm Bureau Federation and jointly by The Utility Reform Network (TURN) and Utility Consumers' Action Network (UCAN). The Intervenor submitted opening and reply briefs on January 10, 2022, and January 20, 2022, respectively.</p> <p>This Decision (D.22-05-001) denied SDG&E's request. After reviewing SDG&E's request and intervenors' objections, including SDG&E's financial standing, as described in the Application 21-07-017, and considering the timing of SDG&E's next General Rate Case filing, the Commission concludes that SDG&E did not sufficiently demonstrate a need for interim rate relief.</p>
--	---

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:	October 13, 2021	
2. Other specified date for NOI:		
3. Date NOI filed:	November 12, 2021	
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.20-07-013 (See Comment 1 in Part I.c.)	
6. Date of ALJ ruling:	December 14, 2020	
7. Based on another CPUC determination (specify):	D.22-05-008 D.22-06-022 D.21-08-016	

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

	Intervenor	CPUC Verification
	D.21-08-035 D.21-09-012 D.21-08-015 D.21-12-050	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.20-07-013 (See Comment 1 in Part I.c.)	
10. Date of ALJ ruling:	December 14, 2020	
11. Based on another CPUC determination (specify):	D.22-05-008 D.22-06-022 D.21-08-016 D.21-08-035 D.21-09-012 D.21-08-015 D.21-12-050	
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.22-05-001	
14. Date of issuance of Final Order or Decision:	May 9, 2022	
15. File date of compensation request:	July 5, 2022	
16. Was the request for compensation timely?		

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

#	Intervenor’s Comment(s)	CPUC Discussion
	<p>UCAN was last found to satisfy the § 1802(g) “significant financial hardship” requirement in R.20-07-013 on December 15, 2020, and before that R.18-07-006 granted on May 30, 2019.</p> <p>UCAN has requested a significant financial hardship ruling in its NOI’s filed in A.17-12-011 on</p>	

#	Intervenor's Comment(s)	CPUC Discussion
	March 23, 2018; in R.18-12-005 on March 20, 2019; in R.20-01-007 on April 13, 2020; in A.20-04-014 on July 17, 2020; in A.20-07-016 on October 14, 2020; in R.21-03-011 on May 26, 2021, A.21-03-001 on May 26, 2021, in R.21-06-017 on September 16, 2021, in A.21-08-010 on October 14, 2021, in A.21-07-017 on November 12, 2021, in A.21-08-013 on November 15, 2021, in A.21-09-001 on November 29, 2021, and in A.21-12-006 on April 6, 2022. UCAN has yet to receive a ruling on any of these requests.	

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. UCAN contributed to the Decision's holding that interim rate recovery is an extraordinary measure that should only be authorized under extraordinary circumstances. <u>Decision (D.22-05-001) Ruling</u> <ul style="list-style-type: none"> After reviewing SDG&E's request and intervenors' objections, including 		

<p><i>SDG&E's financial standing, as described in the Application 21-07-017, and considering the timing of SDG&E's next General Rate Case filing, the Commission concludes that SDG&E did not sufficiently demonstrate a need for interim rate relief. At p. 2.</i></p> <ul style="list-style-type: none"> <i>There are many tools the Commission may find appropriate to smooth out significant rate increases. For example, the Commission has the authority to adopt an extended amortization period to mitigate the rate impacts on SDG&E's customers when the amounts found reasonable are added to the utility's authorized revenue requirement. If rate shock is indeed the concern regarding SDG&E's wildfire mitigation related expenses, it is appropriate for the Commission to comprehensively review these expenditures and evaluate the rate impact, along with the rate impact of other expenditures, in SDG&E's GRC. At p. 17.</i> 		
<p><u>UCAN's Contribution</u></p> <ul style="list-style-type: none"> UCAN argued that SDG&E did not demonstrate extraordinary circumstances warranting for such relief. 	<p><u>UCAN's Contribution</u></p> <ul style="list-style-type: none"> <i>While TURN and UCAN do not dispute that the Commission has the authority to authorize such recovery under certain circumstances, the agency must still require the utility to first</i> 	

<ul style="list-style-type: none"> • Moreover, UCAN also emphasized other options, or tools, the CPUC could implement to address related issues. • And UCAN consistently emphasized that a mechanism for interim rate relief should be a measure of last resort, not a convenience – which SDG&E did not present compelling evidence justifying relief. • UCAN rejected SDG&E’s contention of adverse rate shock impacts - absent compelling facts - and advocated that other traditional, options for more conventional ratemaking measures can mitigate the associated rate impacts. 	<p><i>demonstrate that such extraordinary circumstances exist. SDG&E’s application and supporting testimony do not provide an adequate demonstration.</i> PROTEST OF THE UTILITY REFORM NETWORK AND UTILITY CONSUMERS’ ACTION NETWORK, at pp. 3-4.</p> <ul style="list-style-type: none"> • <i>SDG&E appears to have limited its analysis of ratemaking options to approval if interim recovery, and having “to wait until after its next General Rate Case” or, at best, implementation of cost recovery as part of the next General Rate Case. . . . The utility should be required to demonstrate why the extraordinary relief represented by its request for interim rate recovery is necessary when it has the opportunity to seek more traditional authorization for rate recovery of recorded amounts actually found reasonable.</i> PROTEST OF THE UTILITY REFORM NETWORK AND UTILITY CONSUMERS’ ACTION NETWORK, at p. 8. • <i>In fact, it remains unchanged that SDG&E’s financial outlook, even indeed the view about its wildfire mitigation practices, holds steady and with robust projections. . . . Accordingly, the Commission should not be swayed SDG&E’s argument assertion that, absent the Commission’s approval of the interim funding scheme SDG&E proposes, somehow SDG&E’s credit rating (and the State’s overall regulatory framework) could be viewed in a more negative light.”</i> UTILITY 	
---	--	--

	<p>CONSUMERS’ ACTION NETWORK (UCAN) OPENING BRIEF, at p. 3.</p> <ul style="list-style-type: none"> • <i>As opined above, UCAN believes a mechanism for interim rate relief should be viewed as an extreme remedy. As parties have expressed - interim relief should be a measure of last resort, not a convenience. . . . As previously proffered, SDG&E’s Application does not present a compelling case for relief. The utility has not adequately demonstrated that such an amount could lead to “rate shock” of such magnitude that interim recovery is warranted in order to avoid even the potential for such an outcome.</i> <p>UTILITY CONSUMERS’ ACTION NETWORK (UCAN) OPENING BRIEF, at pp. 3-4.</p> <ul style="list-style-type: none"> • <i>UCAN recommends the Commission deny SDG&E’s request as: . . . Absent is justification for an accelerated rate treatment beyond what is normally used for rate relief in a GRC proceeding, and for a separate reasonableness review.</i> <p>UTILITY CONSUMERS’ ACTION NETWORK (UCAN) OPENING BRIEF, at p. 10.</p> <ul style="list-style-type: none"> • <i>As UCAN opined in its Opening Brief, an application for interim rate relief should be viewed as an extreme remedy. . . . Accordingly, UCAN asserts SDG&E should be directed to explore options available in its upcoming GRC, rather than afforded interim rate recovery of such costs here.</i> <p>UTILITY CONSUMERS’ ACTION NETWORK (UCAN) REPLY BRIEF, at p. 1.</p>	
--	---	--

	<ul style="list-style-type: none">• <i>From the onset, UCAN expressed a mechanism for interim rate relief should be viewed as an extreme remedy; accelerated relief should be a measure of last resort, not a convenience. UTILITY CONSUMERS' ACTION NETWORK (UCAN) REPLY BRIEF, at p. 4.</i>• <i>Intervenors agree with part of SDG&E's argument; granting such relief is not a routine practice, and the PD correctly avoids any outcomes that would move in the direction of making it a routine practice. REPLY COMMENTS OF THE UTILITY REFORM NETWORK, UTILITY CONSUMERS' ACTION NETWORK, AND CALIFORNIA FARM BUREAU FEDERATION ON THE PROPOSED DECISION OF ALJ ATAMTURK, at p. 1.</i>• <i>And interim rate relief would be granted due to potential rate impact factors, nearly all of which will always be present whenever there is a substantial balance in any memorandum account. If interim relief is made available to SDG&E based on the current request, the opportunities for future requests would be virtually without limit. The PD correctly preserves the non-routine nature of interim rate recovery by rejecting SDG&E's request and explaining that other more conventional ratemaking measures can mitigate the associated rate impacts. REPLY COMMENTS OF THE UTILITY REFORM NETWORK, UTILITY</i>	
--	--	--

	<p>CONSUMERS' ACTION NETWORK, AND CALIFORNIA FARM BUREAU FEDERATION ON THE PROPOSED DECISION OF ALJ ATAMTURK, at pp. 1-2.</p>	
<p>2. UCAN contributed to the Decision's finding that the Commission's treatment of interim rate recovery specific to wildfire-related costs is the more relevant and appropriate guidance in this proceeding and should lead the Commission to deny SDG&E's request.</p> <p><u>Decision (D.22-05-001) Ruling</u></p> <ul style="list-style-type: none"> <i>The Commission concludes that prior treatment of interim rate recovery specific to wildfire-related costs provides the more relevant guidance in this proceeding. At p. 10.</i> <i>Providing a detailed account of the most recent Commission activities related to IRR requests for wildfire mitigation expenditures, TURN disagrees with SDG&E and states that the Commission's treatment of interim rate recovery specific to wildfire-related costs is the more relevant and appropriate guidance in this proceeding and should lead the</i> 		

<p><i>Commission to deny SDG&E's request. At pp. 10-11.</i></p> <ul style="list-style-type: none"> <i>The review of the Application and testimony leads the Commission to conclude that IRR is not necessary. SDG&E can seek a timely reasonableness review and recovery of wildfire-related costs in its upcoming GRC that will be filed in May 2022. At pp. 12-13.</i> 		
<p><u>UCAN's Contribution</u></p> <ul style="list-style-type: none"> UCAN explained and supported that, consistent with prior, relevant Decisions and approaches, the Commission should reject SDG&E's request because it was not materially different than other IOU applications. UCAN observed SDG&E's underlying rationale for accelerated rate relief, mirroring PG&E's application, had been previously reviewed and denied. UCAN found, and emphasized, that SDG&E presented no new factual basis to warrant the Commission from departing from relevant, prior holdings that held, without a clear and material impact on the utility's financial condition, a utility's proposal for such 	<p><u>UCAN Contribution</u></p> <ul style="list-style-type: none"> <i>For the costs from 2021 through 2023, SDG&E's request here is not materially different than the approach the Commission recently rejected in a Pacific Gas and Electric Company (PG&E) application (A.20-02-003). PROTEST OF THE UTILITY REFORM NETWORK AND UTILITY CONSUMERS' ACTION NETWORK, at p. 3.</i> <i>Nothing in the utility's testimony sets forth a factual basis for such a different outcome to very similar requests. Consistent with the approach taken in D.20-10-026, the Commission should reject this element of SDG&E's proposal. PROTEST OF THE UTILITY REFORM NETWORK AND UTILITY CONSUMERS' ACTION NETWORK, at p. 3.</i> <i>UCAN lacks an understanding of why SDG&E believes the instant application to accelerate rate treatment "promotes fairness, minimizes costs, and provides</i> 	

<p>automatic rate adjustments associated with wildfire-related spending should be rejected.</p> <ul style="list-style-type: none"> • UCAN expressed its belief that outcomes adopted in recent General Rate Cases since the adoption of AB 1054, offered a similar, appropriate approach for SDG&E (to address its request). • UCAN supported the Decision's holding that, considering the timing of SDG&E's next General Rate Case filing, SDG&E did not sufficiently demonstrate a need for interim rate relief. 	<p><i>better rate stability for SDG&E customers." Rather, the proposed accelerated rate treatment seems to do none of these things. SDG&E will be unjustly enriched with accelerated rate treatment of this magnitude. . . . Additionally, and specifically to the consideration for relief attributed to future costs, UCAN propounds the utility's request has, essentially, already been denied by the Commission.</i> UTILITY CONSUMERS' ACTION NETWORK (UCAN) OPENING BRIEF, at pp. 4-5.</p> <ul style="list-style-type: none"> • <i>With no further evidence presented, UCAN's position is consistent; nothing in the SDG&E's testimony sets forth a factual basis for such a different outcome to very similar requests.</i> UTILITY CONSUMERS' ACTION NETWORK (UCAN) OPENING BRIEF, at p. 5. • <i>Consequently, and consistent with the previous holding in PG&E's proceeding (D.20- 10-026) the Commission in the instant matter should reject this element of SDG&E's proposal.</i> UTILITY CONSUMERS' ACTION NETWORK (UCAN) OPENING BRIEF, at p. 5. • <i>SDG&E's request for interim recovery of costs is contrary to recent commission decisions rejecting utility proposals for such automatic rate adjustments associated with wildfire-related spending.</i> UTILITY CONSUMERS' ACTION NETWORK (UCAN) REPLY BRIEF, at p. 4. • <i>Since issuing that decision, the Commission has been presented</i> 	
--	--	--

	<p><i>with a number of requests for interim rate recovery of costs of wildfire-related programs and insurance. The Commission's decisions and rulings in response to recent utility requests for interim recovery of costs of wildfire-related programs reveal a clear pattern. It is not enough to rely on general assertions of the rate smoothing effects such recovery might provide. The Commission has focused on whether there is a clear and material impact on the utility's financial condition. . . . UCAN continues to hold that SDG&E's request for interim recovery of costs is contrary to recent commission decisions rejecting utility proposals for such automatic rate adjustments associated with wildfire-related spending. UTILITY CONSUMERS' ACTION NETWORK (UCAN) REPLY BRIEF, at p. 5.</i></p> <ul style="list-style-type: none"> <i>• The PD's review of recent CPUC proceedings and criteria to consider in granting interim rate recovery is thorough and correct. REPLY COMMENTS OF THE UTILITY REFORM NETWORK, UTILITY CONSUMERS' ACTION NETWORK, AND CALIFORNIA FARM BUREAU FEDERATION ON THE PROPOSED DECISION OF ALJ ATAMTURK, at p. 3.</i> <i>• The notion that the PD assumes facts not supported by the record here makes no sense given the Commission's ability to consider and, as appropriate, rely on its own earlier decisions. There is no</i> 	
--	---	--

	<p><i>“assumption” being made about the prospects of the Commission adopting an amortization period longer than one year in the upcoming GRC or reasonableness review application that will assess the reasonableness of SDG&E’s 2019-2023 wildfire expenditures. Rather, the PD merely notes the outcomes adopted in the two GRCs for major energy utilities undertaken since the enactment of AB 1054, and remarks that “[a] similar approach would be appropriate for SDG&E’s [upcoming GRC].”</i> REPLY COMMENTS OF THE UTILITY REFORM NETWORK, UTILITY CONSUMERS’ ACTION NETWORK, AND CALIFORNIA FARM BUREAU FEDERATION ON THE PROPOSED DECISION OF ALJ ATAMTURK, at p. 4.</p>	
<p>3. UCAN contributed to the Decision’s ruling that SDG&E did not provide any convincing testimony or evidence that the undercollection would lead to a significantly high rate increase that would justify the requested mechanism.</p> <p><u>Decision (D.22-05-001) Ruling</u></p> <ul style="list-style-type: none"> <i>In summary, the Commission agrees with the opposing parties that the Credit Opinion presents a favorable</i> 		

<p><i>picture of SDG&E's current and upcoming financial condition and does not express concern due to the potential for regulatory lag associated with SDG&E's recovery of wildfire related expenditures. At p. 16.</i></p> <ul style="list-style-type: none"><i>• SDG&E did not provide a showing of substantial rate stability and rate shock benefits, that cannot be achieved in the GRC application that they will be filing within a few months of the issuance of this decision. At p. 17.</i><i>• SDG&E also claims that its proposal would promote intergenerational equity by ensuring that "the same customers who benefit from the investments in wildfire mitigation will pay for those investments at the time they are made." The Commission does not find SDG&E's argument convincing. At p. 17.</i><i>• In addition, based on Moody's financial assessment of SDG&E, the opposing parties do not think that there is a financial need for the requested IRR. They note that SDG&E has an A3 rating as of May 2021 and claim that there is no indication that Moody will downgrade SDG&E's financial rating. At p. 9.</i>		
---	--	--

<u>UCAN's Contribution</u>	<u>UCAN's Contribution</u>	
<ul style="list-style-type: none"> • UCAN explicitly contended that no undue, financial position would inure to SDG&E due to the potential for lag in SDG&E's recovery of wildfire related expenditures. • UCAN observed that there was no sufficient basis for believing that SDG&E's financial rating would be detrimentally undercut by lack of relief. • UCAN represented, to the contrary, that SDG&E's financial outlook and ratings have been steadily positive when viewed in the overall context of wildfire mitigation measures and outcomes. • UCAN asserted, in the proper context of Moody's ratings and perceptions, the Commission need not be particularly concerned about potential impact to SDG&E's credit rating since its credit metrics are positive and stable. • UCAN also expressly and consistently proffered that SDG&E, must provide sufficient evidence and testimony to meet its burden of establishing the reasonableness of their utility's request. • UCAN's intervention in this proceeding supported the Decision's holding that SDG&E's arguments 	<ul style="list-style-type: none"> • <i>Similarly, the application and testimony do not present a sufficient showing that the absence of interim recovery would create an undue risk of financial hardship from the utility's perspective. PROTEST OF THE UTILITY REFORM NETWORK AND UTILITY CONSUMERS' ACTION NETWORK, at p. 4.</i> • <i>Furthermore, SDG&E's suggestion that a weakening in its FFO/debt metric alone "could result in Moody's downgrading the Company's current Outlook from Stable" is unsupported. PROTEST OF THE UTILITY REFORM NETWORK AND UTILITY CONSUMERS' ACTION NETWORK, at p. 5.</i> • <i>Finally, Moody's actually just upgraded SDG&E from Baa1 to A3 in March of this year, (that is, less than 6 months ago), stating in the process that the upgrade reflects Moody's "expectation that the utility will continue to generate robust credit metrics." The Rating Action from Moody's also cites "SDG&E's track record of effective wildfire risk mitigation practices and the credit support of [AB 1054], " along with attrition revenue increase and the 2019 general rate case outcome. The Commission should presume that Moody's was fully aware of SDG&E's forecasts of future wildfire mitigation spending when it performed its analysis. All of this undercuts SDG&E's assertion that "SDG&E's credit</i> 	

<p>regarding its request for interim (accelerated) relief were not adequately convincing, ultimately not shown, and factually not actually needed.</p>	<p><i>rating and overall regulatory framework could be viewed in a more negative light” absent the Commission’s approval of the interim funding scheme SDG&E proposes. SDG&E’s testimony does not provide sufficient detail for the Commission to conclude that the arguments and underlying calculations demonstrate conditions that warrant interim rate recovery.</i></p> <p><i>PROTEST OF THE UTILITY REFORM NETWORK AND UTILITY CONSUMERS’ ACTION NETWORK, at p. 6.</i></p> <ul style="list-style-type: none"> • <i>The Commission should direct the utility to submit supplemental testimony that meets its burden in the first instance. Any approach that relies upon intervenors to fill in the gaps through discovery on the application and testimony as originally submitted would serve to place upon them the burden of establishing the unreasonableness of the utility’s request, contrary to the Commission’s longstanding recognition of the inappropriateness of such an approach.</i> <i>PROTEST OF THE UTILITY REFORM NETWORK AND UTILITY CONSUMERS’ ACTION NETWORK, at p. 9.</i> • <i>Via its adoption and imposition, SDG&E ratepayers could unreasonably suffer increased and unjust costs. . . . UCAN previously asserted SDG&E’s testimony does not provide sufficient detail for the Commission to conclude that the arguments and underlying calculations demonstrate conditions that warrant interim rate recovery. No additional</i> 	
--	--	--

	<p><i>testimony has been introduced that controverts this contention. UTILITY CONSUMERS' ACTION NETWORK (UCAN) OPENING BRIEF, at pp. 2-3.</i></p> <ul style="list-style-type: none"> • <i>UCAN recommends the Commission deny SDG&E's request as: A financial need for interim (accelerated) relief is not shown, and even per the Moody's Report, SDG&E does not actually need. UTILITY CONSUMERS' ACTION NETWORK (UCAN) OPENING BRIEF, at p. 10.</i> • <i>UCAN reminds the Commission that SDG&E's financial outlook, even indeed the view about its wildfire mitigation practices, holds steady and with robust projections. As found earlier – less than 6 months ago - Moody's upgraded SDG&E from Baa1 to A3 in March of this year, and expressing that the upgrade reflects Moody's "expectation that the utility will continue to generate robust credit metrics." UCAN previously described this Rating action from Moody's reflected "SDG&E's track record of effective wildfire risk mitigation practices and the credit support of [AB 1054]," along with attrition revenue increase and the 2019 general rate case outcome. UTILITY CONSUMERS' ACTION NETWORK (UCAN) REPLY BRIEF, at pp. 2-3.</i> • <i>Despite SDG&E's contention that adopting its interim rate relief proposal would, essentially, enhance the rating agencies' perception of California's regulatory framework, nothing in the Moody's Credit Outlook</i> 	
--	---	--

	<p><i>report suggests the Commission needs to be concerned with its particular impact to the perception of the rating agencies. Instead, it was in the context of the rating agencies' perception of California's current regulatory framework that Moody's stated its expectation that SDG&E's credit metrics will remain "strong and stable despite ... its material investment program."</i> UTILITY CONSUMERS' ACTION NETWORK (UCAN) REPLY BRIEF, at p. 3.</p>	
--	---	--

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	

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.

b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: TURN, California Farm Bureau		
d. Intervenor's claim of non-duplication: Although the pertinent Parties/Intervenors, raised, reviewed or presented on similar issues and topics, UCAN avoided duplication by more narrowly focusing on particular questions and concerns regarding Intervenor's core positions that the interim rate recovery is an extraordinary measure that should only be authorized under extraordinary circumstances, that the Commission's treatment of interim rate recovery specific to wildfire-related costs is the more relevant and appropriate guidance in this proceeding and that SDG&E did not provide any convincing testimony or evidence that the under-collection would lead to a significantly high rate increase that would justify the requested mechanism.		

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

#	Intervenor's Comment	CPUC Discussion

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: UCAN's seeks an intervenor compensation award of \$19,392.75 as the reasonable cost of our participation in this proceeding. UCAN urges the Commission to find these costs reasonable in light of its substantial contribution to the record detailed in Part II (A) above. UCAN's participation helped inform the Commission on the core issues and questions addressed and resolved in this Decision. UCAN's intervention supported the Decision to deny SDG&E's request on the basis that that the interim rate recovery is an extraordinary measure that should only be authorized under extraordinary circumstances, that the Commission's treatment of interim rate recovery specific to wildfire-related costs is the more relevant and appropriate guidance in this proceeding and that SDG&E did not provide any convincing testimony or evidence that the under-collection would lead to a significantly high rate increase that would justify the requested mechanism. UCAN's general and other comments additionally supported and developed the overall record for this Decision. UCAN urges the Commission to find the costs of	

	CPUC Discussion																														
UCAN’s participation reasonable in light of all the related benefits to ratepayers.																															
b. Reasonableness of hours claimed: In this proceeding, UCAN is claiming 47.75 total hours of attorney time, UCAN believes that 40 hours of substantive work is reasonable due to the multitude of issues covered in the Phase I and II Decisions (see Part II (A) above). UCAN participated in the numerous workshops and provided various comments that addressed and reviewed the diverse and specific issues and topics.																															
c. Allocation of hours by issue: <table><tr><th>Total Hours</th><th>% of Hours per Issue</th><th>Issue</th></tr><tr><td>0</td><td>0%</td><td>1. General Prep (GP)</td></tr><tr><td>3.25</td><td>8%</td><td>2. Hearings, Workshops, and Conferences (HWC)</td></tr><tr><td>30.25</td><td>76%</td><td>3. Filings (F)</td></tr><tr><td>1.5</td><td>4%</td><td>4. Discovery (D)</td></tr><tr><td>0</td><td>0%</td><td>5. Testimony (T)</td></tr><tr><td>5</td><td>13%</td><td>6. Coordination (C)</td></tr><tr><td>0</td><td>0%</td><td>7. Evidentiary Hearings (EH)</td></tr><tr><td>0</td><td>0%</td><td>8. Settlement (S)</td></tr><tr><td>40</td><td>100%</td><td></td></tr></table>	Total Hours	% of Hours per Issue	Issue	0	0%	1. General Prep (GP)	3.25	8%	2. Hearings, Workshops, and Conferences (HWC)	30.25	76%	3. Filings (F)	1.5	4%	4. Discovery (D)	0	0%	5. Testimony (T)	5	13%	6. Coordination (C)	0	0%	7. Evidentiary Hearings (EH)	0	0%	8. Settlement (S)	40	100%		
Total Hours	% of Hours per Issue	Issue																													
0	0%	1. General Prep (GP)																													
3.25	8%	2. Hearings, Workshops, and Conferences (HWC)																													
30.25	76%	3. Filings (F)																													
1.5	4%	4. Discovery (D)																													
0	0%	5. Testimony (T)																													
5	13%	6. Coordination (C)																													
0	0%	7. Evidentiary Hearings (EH)																													
0	0%	8. Settlement (S)																													
40	100%																														

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Edward Lopez	2021	23	\$442	See Comment 1	\$10,166.00			
Edward Lopez	2022	17	\$442	See Comment 1	\$7,514.00			
Subtotal: \$17,680.00						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 \$

CLAIMED						CPUC AWARD		
<i>Subtotal: \$0</i>						<i>Subtotal: \$</i>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Edward Lopez	2022	1	\$221	½ rate Requested Rate	\$221.00			
Susan Baldwin	2022	6.75	\$221	½ rate Requested Rate	\$1,491.75			
<i>Subtotal: \$1,712.75</i>						<i>Subtotal: \$</i>		
COSTS								
#	Item	Detail			Amount	Amount		
2.								
<i>Subtotal: \$0</i>						<i>Subtotal: \$</i>		
TOTAL REQUEST: \$19,392.75						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				
Edward Chris Lopez	December 20, 1991	157052		No				

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

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

Attachment or Comment #	Description/Comment
	Certificate of Service Timesheet
Comment 1	<p>UCAN requests a new rate for Mr. Edward Lopez based on Resolution ALJ-393 Adopting Intervenor Compensation Market Rate Study and Addressing Related Matters issued December 22, 2020. The Resolution directs intervenors to use the Hourly Rate Chart spreadsheet available on the Commissions ICOMP webpage to determine the appropriate hourly rate when completing claims for work performed on or after January 1, 2021. Consequently, Mr. Lopez needs to establish an appropriate rate for work performed after January 1, 2021. According to the labor roles and rates established by this resolution and found in the hourly rate chart, Mr. Lopez's responsibilities are consistent with the title of a Level V Executive Director with 15+ years' experience, an education level of Juris Doctorate, and a member of the State Bar of California.</p> <p>Mr. Lopez has 15+ years as a non-profit executive. For the past four years he has served as the Executive Director at UCAN. As Executive Director, his responsibilities include providing overall direction and guidance to UCAN's non-profit mission, implementing special events, community outreach initiatives and fundraising activities, acts as UCAN's spokesperson and represents the organization before public agencies and the public, assesses UCAN's needs and objectives, ensures program objectives are met, draft, monitors and executes the organization's budget, and initiates changes to maintain members satisfaction and engagement. And as Executive Director, he is responsible for budget issues and monitoring and managing revenue and expenses regarding staff hours and payments to experts. With the hiring of two additional attorneys for UCAN, staff now composes a total of five employees of which 4 positions are allocated to support the CPUC work.</p> <p>Additionally, Mr. Lopez graduated law school in 1991 and has 10+ years of legal experience. Mr. Lopez practices before the Commission on various UCAN proceedings. His increased involvement in UCAN's proceedings including filing protests, utilizing discovery, directing the work of expert consultants and witnesses, submitting testimony, cross examining witnesses in hearings, writing briefs and submitting comments on Commission issues and proposed decisions.</p> <p>As Executive Director, he works with UCAN's Legal Director in overseeing the overall legal work of the organization including providing strategic direction on which proceedings the organization should choose to best protect the interests of San Diego Gas and Electric ratepayers. Mr.</p>

Attachment or Comment #	Description/Comment
	<p>Lopez meets weekly with legal staff to coordinate case assignments and discuss complex legal issues and actions before the Commission.</p> <p>Mr. Lopez's last approved rate for 2020 was as an attorney at \$335/hr. (D.21-08-016)</p> <p>Mr. Lopez's non-profit background includes experience as an Executive Director of an educational foundation as well as the Executive Director for a community-based organization that provided financing for affordable housing as well as neighborhood economic development. For an environmental non-profit, he served as the principal author of a Master Plan for an Advanced Energy Community pursuant to a California Energy Commission grant. He has supervised staff between 3 to 7 employees.</p> <p>As an attorney, Mr. Lopez provided counsel and services to public agencies and non-profit organizations. Additionally, he served in positions with SDG&E and Cox Communications, as part of their local Government/Community Affairs departments.</p> <p>Due to Mr. Lopez's education, experience and current responsibilities, UCAN is requesting a rate of \$442 which is the high level for an Executive Director Level V with 15+ years' experience and an education level of Juris Doctorate.</p>
Comment 2	

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?	
---	--

If so:

Party	Reason for Opposition	CPUC Discussion

--	--	--

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

If not:

Party	Comment	CPUC Discussion

(Green items to be completed by Intervenor)

FINDINGS OF FACT

1. **UTILITY CONSUMERS' ACTION NETWORK** [has/has not] made a substantial contribution to D.22-05-001.
2. The requested hourly rates for **UTILITY CONSUMERS' ACTION NETWORK**'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. **UTILITY CONSUMERS' ACTION NETWORK** is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay **UTILITY CONSUMERS' ACTION NETWORK** the total award. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay **UTILITY CONSUMERS' ACTION NETWORK** 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 **UTILITY CONSUMERS' ACTION NETWORK**'s request, and continuing until full payment is made.

3. The comment period for today's decision [is/is not] waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	D.22-05-001		
Proceeding(s):	A.21-07-017		
Author:			
Payer(s):			

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
UTILITY CONSUMERS' ACTION NETWORK	July 5, 2022	\$19,392.75		N/A	

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Edward	Lopez	Executive Director	\$442	2021	
Edward	Lopez	Executive Director	\$442	2022	

(END OF APPENDIX)

A.21-07-017-UTILITY CONSUMERS' ACTION NETWORK'S TIMESHEET

UCAN's Executive Director Edward Lopez

Date	Case #	Hours	Issue	Notes
9/2/2021	A.21-07-017	2	F	Call with Intervenor: Review Parties' Protests
9/10/2021	A.21-07-017	0.5	F	Review SDG&E Application
10/4/2021	A.21-07-017	0.25	HWC	Review ALJ Email Ruling of Sept. 21 & Email Notice of PHC Participation
10/13/2021	A.21-07-017	2	HWC	Review SDG&E Application; PHC
10/18/2021	A.21-07-017	0.5	HWC	Meet-and-Confer
10/19/2021	A.21-07-017	2.25	F	Draft & Finalize Comments on Proposed Scope
10/20/2021	A.21-07-017	0.5	C	Communicate w/ Parties re: Proposed Schedule; Finalize Comments on Proposed Scope
11/22/2021	A.21-07-017	2	F	Review SDG&E Application & Testimony
11/23/2021	A.21-07-017	1.5	F	Review SDG&E Testimony
12/1/2021	A.21-07-017	2	F	Review SDG&E Application & Testimony
12/2/2021	A.21-07-017	1.5	F	Review SDG&E Testimony
12/6/2021	A.21-07-017	1	D	Review SDG&E Responses to DR
12/9/2021	A.21-07-017	0.5	D	Review SDG&E Responses to DR
12/15/2021	A.21-07-017	3	F	Draft Opening Brief
12/17/2021	A.21-07-017	1.5	F	Draft Opening Brief
12/20/2021	A.21-07-017	2	F	Revise Opening Brief
1/12/2022	A.21-07-017	1.5	F	Review Parties' Brief
1/17/2022	A.21-07-017	2	F	Review Briefs & Draft Reply Brief
1/18/2022	A.21-07-017	1	F	Draft Reply Brief
1/19/2022	A.21-07-017	2.25	F	Revise & Finalize Reply Brief
3/21/2022	A.21-07-017	1	F	Review PD
4/5/2022	A.21-07-017	0.25	C	Communicate w/ Parties re: SDG&E Comments & Ex Parte Appearances
4/7/2022	A.21-07-017	1.5	F	Review PD & SDG&E Opening Comments
4/10/2022	A.21-07-017	1.5	F	Review & Edit Joint Reply Comments, Communicate w/ Joint Intervenor
4/11/2022	A.21-07-017	0.5	F	Revise Joint Reply Comments & Communicate w/ Joint Intervenor
4/14/2022	A.21-07-017	2.25	C	Conference call w/ Joint Intervenor re: Ex Parte preparation, Review PD & SDG&E Opening & Reply Comments; Ex Parte Appearance
4/15/2022	A.21-07-017	0.5	F	Review SDG&E Notice of Ex Parte Appearance, Ex Parte Appearance
4/18/2022	A.21-07-017	0.25	F	Review & Revise Joint Intervenor Ex Parte Notice
4/25/2022	A.21-07-017	0.25	C	Communicate w/ Joint Intervenor re: Ex Parte Appearances
4/28/2022	A.21-07-017	1.75	C	Review PD & SDG&E Comments, Ex Parte Appearance (1st), Communicate w/ Joint Intervenor re: Ex Parte Appearance, Ex Parte Appearance (2nd)
4/29/2022	A.21-07-017	0.5	HWC	Ex Parte Appearance
Issues Total:		40		

Intervenor Compensation

11/10/2021	A.21-07-017	1	NOI	Draft NOI
6/23/2022	A.21-07-017	1.5	ICOMP	Drafting ICOMP
6/28/2022	A.21-07-017	1.5	ICOMP	Drafting ICOMP
7/1/2022	A.21-07-017	1.25	ICOMP	Drafting ICOMP
7/5/2022	A.21-07-017	2.5	ICOMP	Finalizing ICOMP
Total Int. Comp.:		7.75		

2021

Total Hours	% of Hours per Issue	Issue
23	95.83%	Issues (inclusive)
1	4.17%	NOI and Intervenor Compensation Claim
Total 2021:	24	100.00%

2022

Total Hours	% of Hours per Issue	Issue
17	71.58%	Issues (inclusive)
6.75	28.42%	NOI and Intervenor Compensation Claim
Total 2022:	23.75	100.00%

Cumulative Totals

Total Hours	% of Hours per Issue	Issue
0	0%	1. General Prep (GP)
3.25	8%	2. Hearings, Workshops, and Conferences (HWC)
30.25	76%	3. Filings (F)
1.5	4%	4. Discovery (D)
0	0%	5. Testimony (T)
5	13%	6. Coordination (C)
0	0%	7. Evidentiary Hearings (EH)
0	0%	8. Settlement (S)
Total Issues:	40	100%
Total Int. Compensation:	7.75	
Total Hours:	47.75	