



Decision _____

FILED02/04/21
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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
CALIFORNIA**

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2020. (U39M)	A.18-12-009 (Filed December 13, 2018)
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**INTERVENOR COMPENSATION CLAIM OF WOMEN'S ENERGY MATTERS
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF
WOMEN'S ENERGY MATTERS**

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 compcoordinator@cpuc.ca.gov.

Intervenor: Women's Energy Matters	For contribution to Decision (D.) 20-12-005
Claimed: \$17,860.50	Awarded: \$
Assigned Commissioner: Liane Randolph (Assigned Jul 10, 2019)	Assigned ALJ: ALJ Elaine Lau (Assigned Jan 11, 2019) ALJ Rafael L. Lirag (Assigned Jan 11, 2019)
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:	<i>/s/ Jean Merrigan</i>
Date: 2/4/2021	Printed Name: JEAN MERRIGAN

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

A. Brief description of Decision:	D2012005 addresses the Test Year 2020 General Rate Case (GRC) application of Pacific Gas and Electric Company (PG&E), adopting a Settlement Agreement involving PG&E, The Public Advocates Office, The Utility Reform Network, Small Business Utility Advocates (SBUA), Center for Accessible Technology (CforAT), National Diversity Coalition (NDC), Coalition of California Utility Employees, The Office of the Safety Advocate (OSA), and California City/County Streetlight Association, subject to certain
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	modifications.
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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:	2/11/2019	
2. Other specified date for NOI:		
3. Date NOI filed:	3/13/19	
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:	D2005047 issued in R1602007	
6. Date of ALJ ruling:	Decision issued 6/3/20	
7. Based on another CPUC determination (specify):	See also ALJ Rulings in A1807013 d. 7/10/19 and 9/4/19	
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:	ALJ Ruling in A1807013	
10. Date of ALJ ruling:	9/4/19	
11. Based on another CPUC determination (specify):	See Comment	
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D2012005	
14. Date of issuance of Final Order or Decision:	12/11/2020	
15. File date of compensation request:	2/4/2021	
16. Was the request for compensation timely?		

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

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

#	Intervenor's Comment(s)	CPUC Discussion
11	WEM requested a finding of financial hardship in its NOI filed in this proceeding on 3/13/19. Disposition of that request is still pending, but an ALJ ruling in a contemporaneous proceeding cited above verified WEM's financial hardship on 9/4/19.	

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
<p>1. <i>WEM provided a substantial contribution to D2012005 by helping to develop the record related to PG&E's nuclear operations costs.</i></p> <p>WEM's filings in the docket include: Motion for Party Status, d. 3/13/2019 WEM Opposition to PG&E's Motion to Strike the Prepared Testimony of Alliance for Nuclear Responsibility, d.8/6/2019 WEM Opening Brief on Disputed Issues Outside of the Settlement Agreement, d. 1/6/2020 WEM Opening Brief re: Settlement Agreement, d. 1/21/2020</p>	<p>"WEM intends to focus on proposed revenue requirements and recovery mechanisms for Diablo Canyon Power Plant." WEM Motion for Party Status, d. 3/13/19, p. 2</p> <p>From D2012005: "Motions for party status were filed by the following entities and party status were granted as follows: ... 1. Women's Energy Matters (WEM) on March 13, 2019 – motion was granted on the same day." D2012005, pp. 6-7 "On July 29, 2019, PG&E filed a motion to strike the prepared testimony of A4NR. Responses opposing PG&E's motion were filed by WEM on August 6, 2019, and ..." D2012005, p. 9 "On January 6, 2020, the following parties filed Opening Briefs regarding disputed issues that are outside the</p>	

<p>WEM Comments on Proposed Decision Addressing the Test Year 2020 GRC of PG&E, d. 11/12/2020</p> <p>WEM Three Day Advance Notice of Ex Parte Communications, d. 11/20/20, regarding ex parte telephone meetings with David Peck, (Advisor to President Batjer), and with Leuwam Tesfai and Mary Claire Brown (Chief of Staff and Energy advisor to Commissioner Genevieve Shiroma) which took place 11/25/20.</p>	<p>Settlement Agreement: A4NR; Reid; JCCA; and WEM." D2012005, p. 11</p> <p>"On January 21, 2020, separate Comments to the Settlement Motion were filed by A4NR, FEA, L. Jan Reid, SEIA, WEM, and JCCA." D2012005, p. 11</p> <p>"Joint Comments were filed by the settling parties on November 12, 2020. Separate comments were also filed on the same day by the PG&E, CUE, JCCA, A4NR, WEM, and Reid." D2012005, p. 343</p> <p>Further detail and context regarding WEM's substantial contributions are provided below.</p>	
<p><i>2. During the litigation phase, WEM opposed PG&E's motion to strike testimony presented by the Alliance for Nuclear Responsibility. PG&E's motion would have restricted the scope of issues related to nuclear operations costs.</i></p> <p>"The Commission has a responsibility in this proceeding to develop a clearer picture of the current cost of operating Diablo Canyon so that it can evaluate the reasonableness of PG&E's requested rate hikes. Developing this clearer picture will inform the Commission, and the Commission can then take the appropriate next steps." WEM Opposition to PG&E Motion to Strike A4NR Testimony, d. 8/6/19, p. 3.</p>	<p>ALJ's Lau and Lirag issued a Ruling on September 6, 2019, denying PG&E's motion.</p> <p>"Responses were filed by Women's Energy Matters (WEM) on August 7, 2019 and by and by Jan Reid, A4NR and The Utility Reform Network (TURN) on August 13, 2019. The above parties oppose PG&E's motion to strike and state that the testimony is within the scope of the proceeding. In addition, WEM, A4NR, and TURN add that A4NR's testimony addresses the cost effectiveness of continuing to operate DCNPP." ALJ Ruling Denying Motion to Strike Testimony of Alliance for Nuclear Responsibility, d. 9/6/19, p.2</p> <p>ALJ Lau and Lirag's Ruling provided guidance regarding scope of issues related to DCNPP: "The scope of this general rate case (GRC) includes determination of the reasonableness of PG&E's proposed O&M and capital costs relating to the operation of DCNPP from 2020 to 2022. ALJ Ruling Denying Motion to Strike</p>	

	<p>Testimony of Alliance for Nuclear Responsibility, d. 9/6/19, p. 2.</p> <p>"On July 29, 2019, PG&E filed a motion to strike the prepared testimony of A4NR. Responses opposing PG&E's motion were filed by WEM on August 6, 2019, Reid on August 7, 2019, and by both TURN, and A4NR on August 13, 2019. A Response was also filed by CUE on August 13, 2019 supporting PG&E's motion. The assigned ALJs issued a ruling on September 6, 2019 denying PG&E's motion to strike." D2012005, p. 9</p>	
<p>3. <i>WEM advocated that the Final Decision include provisions to protect ratepayers in the event that the plant does not operate through the entire cycle. See WEM's Opening Brief on Disputed Issues, d. 1-6-20, p. 5; WEM's Comments on Settlement Agreement, d. 1/21/10, p. 3.</i></p> <p>The Final Decision contains language affirming a provision in the Settlement Agreement which provides a mechanism to incorporate future changes via a petition to modify D2012005.</p>	<p>From D2012005:</p> <p>"WEM proposes that DCPD costs be tracked in a memorandum account and that any relevant decision pursuant to the petition to modify D.18-01-022 be incorporated into the decision." D21012005, p. 50</p> <p>"WEM proposed that relevant changes from the petition to modify D.18-01-022 be incorporated and that the decision in this proceeding be modified to incorporate these changes. The petition was subsequently denied. The decision shall therefore address the reasonableness of PG&E's O&M and capital costs relating to DCPD as an operating unit for this GRC cycle. In any case, the Settlement Agreement already provides a mechanism to incorporate any relevant changes via a petition to modify this decision. ... [T]his decision continues to assume that the DCPD will be in operation for this GRC cycle." D2012005, p. 147</p>	
<p>4. <i>WEM supported the Settlement Agreement's provision that ISFSI costs will be recovered as a decommissioning expense</i></p>	<p>From D2012005:</p> <p>"ISFSI will be removed as a capital expenditure and recovered as a decommissioning expense beyond this</p>	

<p><i>rather than as capital expenditures (paragraph 2.4.2.8). See WEM Comments re: Settlement Agreement, d. 1/21/20, p. 2</i></p>	<p>GRC cycle." D2012005, p. 156</p>	
<p><i>5. WEM opposed PG&E's requested capital costs for a Stator Replacement Project at Diablo Canyon's Unit 2 Generator, noting that PGE did not do a cost effectiveness analysis, in light of the plant's failing economics and advanced age.</i></p> <p>Three parties -- TURN, A4NR and WEM -- red-flagged this issue in this GRC. TURN compromised its position in the interest of agreeing to a settlement with PG&E and other parties. WEM provided the Commission with updated information regarding problems with the Diablo Canyon Unit 2 stator replacement repair and resultant Unit 2 unexpected outage days in July, August, October, November and December 2020.</p> <p><i>See WEM Comments on Settlement Agreement, d. 1/21/20, pp.1-2; WEM Comments on Proposed Decision, d. 11/12/20, pp. 1-2, 5.</i></p>	<p>From D2012005:</p> <p>"WEM ... opposes the Generator Stator Replacement project stating that the project does not make financial sense." D2012005, p. 150</p> <p>"Regarding capital costs, Article 2.4.2.2 adopts PG&E's proposed forecast for the Generator Stator Replacement Project of \$14.785 million for 2018, \$38.490 million for 2019, and \$5.972 million for 2020 as well as other costs for the project. A4NR objects to the proposed project, as does WEM which states that PG&E did not show that the proposed costs are reasonable and could not be avoided. WEM also adds that this repair would last well beyond Unit 2's retirement date." D2012005, p. 151</p> <p>Although D2012005 approves the stator repair costs in full, WEM's work on the issue was valuable in that the stator issue was one of the issues compromised in the Settlement adopted by D2012005:</p> <p>"TURN originally proposed a reduction of \$25,000 million or a reduction of at least 25 percent in costs for the Stator Replacement project but as part of the settlement agreed to PG&E's proposed cost." D2012005, p. 150</p>	
<p><i>6. In developing the record regarding nuclear operations costs, WEM provided a substantial contribution to D2012005, even though WEM's positions were not adopted in full.</i></p>	<p>Parties to the Settlement Agreement approved by D2012005, characterize the agreement as "a compromise among the settling parties' respective litigation positions to resolve all disputed issues the settling parties raised in this proceeding." Joint Motion for Approval of Settlement Agreement, d. 1/14/20, p. 1.</p>	

	<p>The Commission approved the Settlement Agreement's provisions regarding Nuclear Operations Costs based on the development of an adequate record.</p> <p>The Commission states in D2012005, "in order to consider the proposed Settlement Agreement in this proceeding as being in the public interest, we must be convinced that the parties have a sound and thorough understanding of the application and all of the underlying assumptions and data included in the record. This level of understanding of the application and <i>development of an adequate record is necessary to meet our requirements for considering any settlement.</i>" D2012005, p. 19 (emphasis added).</p> <p>Enriching the record is a substantial contribution: see CPUC Decision 05-06-027 in R.01-08-028, issued June 17, 2005, at p. 3, which finds that if a customer provides a unique perspective that enriches the Commission's deliberations and the record, the Commission can find that the customer made a substantial contribution. A substantial contribution includes evidence or argument that supports part of the decision, even if the CPUC does not adopt a party's position in total. D.0203033 at p. 3.</p> <p><i>See also</i> D8903063, where the Commission found that parties had made a substantial contribution in a ratemaking proceeding involving PG&E's nuclear operations costs because their arguments caused the utility to thoroughly document the safety issues involved.</p> <p>WEM made substantial contributions to D.2012005, even though not all of its positions were adopted in total.</p>	
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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: The Utility Reform Network (TURN), and Alliance for Nuclear Responsibility (A4NR) took positions related to nuclear operations costs; Jan Reid, while silent on the settlement's treatment of nuclear operations costs, did oppose PG&E's attempt to limit scope.		
d. Intervenor's claim of non-duplication: WEM sought party status in this proceeding to specifically address issues related to PG&E's nuclear operations costs. D1801022 (in A1608006) contained language indicating the Commission might consider earlier retirement dates for PG&E's Diablo Canyon nuclear power plant if conditions, including the plant's economic outlook, were to change. Of the 28 parties listed on A1812009's service list only a few focused on PG&E's nuclear operations costs. WEM did not duplicate other parties' work, but offered a unique perspective that supported other parties' positions where there was agreement, and made distinctive recommendations where there were differences. WEM opposed PG&E's attempt to limit scope regarding nuclear operations costs, and updated the Commission on the stator replacement project after TURN had signed off on that issue in order to achieve a settlement. WEM coordinated with other parties in order to avoid duplication. WEM has worked on cost issues related to PG&E's nuclear operations issues in other proceedings (A1608006, A1807013, A1602007), and because of this, its participation in this proceeding was focused, efficient and useful.		

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
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>As detailed in Section IIA above, WEM’s advocacy is reflected in D2012005, in that WEM helped develop the record regarding PG&E's nuclear operations costs. WEM advocates on behalf of ratepayers who would be harmed without full and fair review of PG&E's proposed revenue requirement and recovery mechanisms for its nuclear operations costs. D2012005 approves a settlement based on compromise of settling parties' positions. The settlement reduces the total revenue requirement PG&E originally requested, and although the final decision does not adopt all of WEM's positions and recommendations, the decision is based on a fully developed record. WEM's participation was focused and efficient and benefited ratepayers.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>The hours claimed herein are reasonable. WEM's representative, Jean Merrigan, is an experienced advocate who has focused much of her regulatory work on nuclear power plant cost issues. In the San Onofre Nuclear Generating Station (SONGS) Investigation (I.1210013), she worked with a coalition of consumer groups to negotiate a settlement with SCE and SDG&E, which resolved SONGS' ratemaking issues after a failed steam generator replacement project led to plant closure in 2013. She represented WEM in A1608006 (the Diablo Canyon retirement proceeding), and presented economic arguments cited by the Commission in D1801022, which approved Diablo Canyon retirement by 2024/25. Ms. Merrigan maintained detailed time records indicating the number of hours spent on issues related to PG&E's nuclear operations costs in this GRC, and worked cooperatively with other parties to avoid duplication and redundancy. All of the hours claimed in this request were necessary. Jean Merrigan reviewed all of the recorded hours, and included only those that were reasonable. All of the hours included should be compensated in full.</p>	

c. Allocation of hours by issue: WEM used the activity codes below to itemize daily time entries: General: Work related to general participation in the proceeding, such as reviewing scoping memo, rulings, and other filings, and attending to misc. procedural matters. Coord: Work related to communications with other parties to coordinate efforts and avoid duplication. N-Op Costs: Research and analysis regarding PG&E's Nuclear Operations Costs, including draft comments, briefs, etc. Comp: Work related to intervenor compensation. The breakdown is as follows: General: 12%; Coord: 1%; N-Op Costs: 79%; Comp: 8%						
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jean Merrigan, Advocate	2019	50.6	\$160	D2005047	\$8,096.00			
Jean Merrigan, Advocate	2020	53	\$165	D2005047; COLA set by ALJ-387	\$8,745.00			
Subtotal: \$16,841						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 \$
n/a								
Subtotal: \$						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Jean Merrigan, Advocate	2019	.8	\$80	1/2 of 2019 rate	\$64.00			
Jean Merrigan,	2021	9.1	\$105	1/2 of requested	\$955.50			

Advocate				2021 rate - see Comment			
Subtotal: \$1,019.50					Subtotal: \$		
COSTS							
#	Item	Detail		Amount	Amount		
	n/a						
Subtotal: \$					Subtotal: \$		
TOTAL REQUEST: \$17,860.50					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		

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

Attachment or Comment #	Description/Comment
Att. 1	Certificate of Service
Att. 2	Time records
Att. 3	Resume
COMMENT	WEM requests a 2021 rate of \$210 for Jean Merrigan. This is based on the Intervenor Compensation Market Rate Study Final Report and CPUC 2021 Hourly Rate Chart guidelines for an Executive Director/Senior Advocate with

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

	significant legal and advocacy experience. It also recognizes that Ms. Merrigan is now at the 8-12 year experience level. <i>See</i> D0804010. Jean Merrigan's updated resume is provided as Attachment 3.
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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. [INTERVENOR'S FULL LEGAL NAME] [has/has not] made a substantial contribution to D. _____.
2. The requested hourly rates for [INTERVENOR'S FULL LEGAL NAME]'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. [INTERVENOR'S FULL LEGAL NAME] shall be awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay [INTERVENOR'S FULL LEGAL NAME] the total award. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay [INTERVENOR'S FULL LEGAL NAME] 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 [INTERVENOR'S FULL LEGAL NAME]'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):			
Proceeding(s):			
Author:			
Payer(s):			

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
[INTERVENOR'S NAME]				N/A	

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted

(END OF APPENDIX)