Decision 22-02-019 February 24, 2022

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).

Application 18-12-009

DECISION GRANTING COMPENSATION TO WOMEN'S ENERGY MATTERS FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-12-005

Intervenor: Women's Energy Matters	For contribution to Decision (D.) 20-12-005
Claimed: \$17,860.50	Awarded: \$17,860.50
Assigned Commissioner: Clifford Rechtschaffen ¹	Assigned ALJ: Elaine Lau and Rafael L. Lirag

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.20-12-005 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 modifications.	

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¹ The proceeding was re-assigned to Commissioner Clifford Rechtschaffen on May 3, 2021.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code $\S\S$ 1801-1812²:

	Intervenor	CPUC Verification		
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):				
1. Date of Prehearing Conference:	2/11/2019	Verified		
2. Other specified date for NOI:				
3. Date NOI filed:	3/13/19	Verified		
4. Was the NOI timely filed?		Yes		
Showing of eligible custo or eligible local government enti		1802.4):		
5. Based on ALJ ruling issued in proceeding number:	D2005047 issued in R1602007	Verified		
6. Date of ALJ ruling:	Decision issued 6/3/20	Verified		
7. Based on another CPUC determination (specify):	See also ALJ Rulings in A1807013 d. 7/10/19 and 9/4/19	Verified		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes		
Showing of "significant financial har	rdship" (§ 1802(h) or §	1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	ALJ Ruling in A1807013	Verified		
10. Date of ALJ ruling:	9/4/19	Verified		
11. Based on another CPUC determination (specify):	See Comment	Noted		
12. Has the Intervenor demonstrated significant f	inancial hardship?	Yes		
Timely request for compensation (§ 1804(c)):				
13. Identify Final Decision:	D2012005	Verified		
14. Date of issuance of Final Order or Decision:	12/11/2020	Verified		
15. File date of compensation request:	2/4/2021	Verified		
16. Was the request for compensation timely?		Yes		

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² All statutory references are to California Public Utilities Code unless indicated otherwise.

C. Additional Comments on Part I:

#	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.	Noted

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. WEM provided a substantial contribution to D2012005 by helping to develop the record related to PG&E's nuclear operations costs.	"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	Verified
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 WEM Comments on Proposed Decision Addressing the Test Year 2020 GRC of PG&E, d. 11/12/2020 WEM Three Day Advance Notice of Ex Parte	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 Settlement Agreement: A4NR; Reid; JCCA; and WEM." D2012005, p. 11	
Communications, d. 11/20/20, regarding ex parte telephone	"On January 21, 2020, separate Comments to the Settlement Motion were filed by	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
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.	A4NR, FEA, L. Jan Reid, SEIA, WEM, and JCCA." D2012005, p. 11 "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 Further detail and context regarding WEM's substantial contributions are provided below.	
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. "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.	ALJ's Lau and Lirag issued a Ruling on September 6, 2019, denying PG&E's motion. "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 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 Testimony of Alliance for Nuclear Responsibility, d. 9/6/19, p. 2.	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	"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	
3. 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. 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.	"WEM proposes that DCPP 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 "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 DCPP 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 DCPP will be in operation for this GRC cycle." D2012005, p. 147	Verified
4. WEM supported the Settlement Agreement's provision that ISFSI costs will be recovered as a	From D2012005: "ISFSI will be removed as a capital expenditure and recovered as a	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
decommissioning expense rather than as capital expenditures (paragraph 2.4.2.8). See WEM Comments re: Settlement Agreement, d. 1/21/20, p. 2	decommissioning expense beyond this GRC cycle." D2012005, p. 156	
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. 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. 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.	From D2012005: "WEM opposes the Generator Stator Replacement project stating that the project does not make financial sense." D2012005, p. 150 "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 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: "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	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
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.	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. The Commission approved the Settlement Agreement's provisions regarding Nuclear Operations Costs based on the	Verified
	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 development of an adequate record is necessary to meet our requirements for considering any settlement." D2012005, p. 19 (emphasis added). 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.	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	See also 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. WEM made substantial contributions to D.2012005, even though not all of its positions were adopted in total.	

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? ³	Yes	Verified
b.	Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c.	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.		Verified
d.	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		Verified

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³ The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

	Intervenor's Assertion	CPUC Discussion
differences. WEM opposed PG&E's attempt to limit sconuclear operations costs, and updated the Commission or replacement project after TURN had signed off on that is achieve a settlement. WEM coordinated with other partiavoid duplication. WEM has worked on cost issues relating nuclear operations issues in other proceedings (A160800 A1602007), and because of this, its participation in this processed, efficient and useful.	the stator sue in order to es in order to ed to PG&E's 6, A1807013,	

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
a. Intervenor's claim of cost reasonableness: 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.	The Commission finds the costs as reasonable.
b. Reasonableness of hours claimed: 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	The Commissions finds hours claimed as reasonable.

		CPUC Discussion				
Commission is by 2024/25. If the number of operations cooparties to avoid this request whours, and included should be a should						
c. Allocation	c. Allocation of hours by issue:					
WEM used th						
General:	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:	•					
Comp:						
	The breakdown is as follows: General: 12%; Coord: 1%; N-Op Costs: 79%; Comp: 8%					

B. Specific Claim:*

CLAIMED					CPUC Aw	ARD		
	ATTORNEY, EXPERT, AND ADVOCATE FEES							
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jean Merrigan, Advocate	2019	50.6	\$160.00	D2005047	\$8,096.00	50.6	\$160.00	\$8,096.00
Jean Merrigan, Advocate	2020	53	\$165.00	D2005047; COLA set by ALJ-387	\$8,745.00	53	\$165.00	\$8,745.00
	Subtotal: \$16,841 Subtotal: \$16,841.00							

	CLAIMED					CPUC AW	ARD	
	INTERVENOR COMPENSATION CLAIM PREPARATION **							
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jean Merrigan, Advocate	2019	0.8	\$80.00	1/2 of 2019 rate	\$64.00	0.8	\$80.00	\$64.00
Jean Merrigan, Advocate	2021	9.1	\$105.00	1/2 of requested 2021 rate - see Comment	\$955.50	9.1	\$105.00	\$955.50
	Subtotal: \$1,019.50						Subtotal:	\$1,019.50
	TOTAL REQUEST: \$17,860.56					TOTAL	AWARD:	\$17,860.50

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

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

	ATTORNEY INFORMATION							
Attorney	Date Admitted to CA BAR ⁴	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation					

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

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

⁴ 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
	with 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.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
Incomplete Claim Preparation: PART IV and Appendix	WEM did not fully complete Part IV and Appendix of the claim. Claim preparation hours includes completion of all parts to be completed by intervenor . We will forgo deductions this time, however, warn WEM to fully complete claim preparation in future claims.
Adoption of New Hourly rate for Merrigan	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 significant legal and advocacy experience. It also recognizes that Ms. Merrigan is now at the 8–12-year experience level. The Commission adopts the \$210 rate as reasonable.

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

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

- 1. Women's Energy Matters has made a substantial contribution to D.20-12-005.
- 2. The requested hourly rates for Women's Energy Matters's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- 3. The claimed costs and expenses are reasonable and commensurate with the work performed.
- 4. The total of reasonable compensation is \$17,860.50.

CONCLUSION OF LAW

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

ORDER

- 1. Women's Energy Matters shall be awarded \$17,860.50.
- 2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Women's Energy Matters the total award. 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 April 20, 2021, the 75th day after the filing of Women's Energy Matters's request, and continuing until full payment is made.
- 3. The comment period for today's decision is waived.

This decision is effective today.

Dated February 24, 2022, at San Francisco, California.

ALICE REYNOLDS
President
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
DARCIE HOUCK
JOHN R.D. REYNOLDS
Commissioners

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D2202019	Modifies Decision?	No
Contribution Decision(s):	D2012005		
Proceeding(s):	A1812009		
Author:	ALJ Lau and ALJ Lirag		
Payer(s):	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
Women's Energy Matters	2/4/2021	\$17,860.50	\$17,860.50	N/A	N/A

Hourly Fee Information

		Attorney, Expert,	Hourly	Year Hourly	Hourly
First Name	Last Name	or Advocate	Fee Requested	Fee Requested	Fee Adopted
Jean	Merrigan,	Advocate	\$160	2019	\$160
Jean	Merrigan,	Advocate	\$165	2020	\$165
Jean	Merrigan,	Advocate	\$210	2021	\$210

(END OF APPENDIX)