

Agenda Item ID # \_\_\_\_\_

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Decision 11-012, 12-048  
Item


BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE

Order Instituting Rulemaking to Implementation and Administration Renewables Portfolio Standard Project	Rulemaking 11-105 (Filed May 15, 2011)
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Item

CLAIM AND DECISION ON REQUEST FOR INTERVENOR

Claimant: Clean Coal for contribution (formerly the FID 048)	
Claimed (\$9,975)	Awarded (\$) Item
Assigned Commissioner	Assigned Angelis
I hereby certify that the information I have Claim is true to my best knowledge, conformance with the Rule of Practice Claim this day upon all required persons (as set attached as Attachment).	
Signature:	 Item
Date: 12/30/2011	Printed Tam

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PART I: PROCEDURAL ISSUES (to be completed by)

A. Brief Description Decision:	D.11-11-012, 12-048 the Clean Coal for amendments to SCE's 11-012, 12-048, Created the RAM required IOUs to submit adv
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B. Claimant ☐☐ satisfy ☐☐ intervenor ☐☐ compensation ☐☐ requirements ☐☐ set ☐☐

Utilities ☐☐ Code ☐☐ § 8 ☐☐ 801

☐☐

☐☐	Claimant ☐☐	CPUC ☐☐ ve ☐☐
Timely ☐☐ filing ☐☐ of ☐☐ notice ☐☐ of ☐☐ intent ☐☐ to ☐☐ ☐☐ ☐☐		
1. ☐☐ ☐☐ Date ☐☐ of ☐☐ ☐☐	June ☐☐ 13 ☐☐	☐☐
2. ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐	☐☐	☐☐
3. ☐☐ ☐☐ Date ☐☐ NOI ☐☐ Filed:	7/8/2011 ☐☐	☐☐
4. ☐☐ Was ☐☐ the ☐☐ notice ☐☐ ☐☐ ☐☐ intent ☐☐ tire ☐☐		☐☐
Yes ☐☐		
Showing ☐☐ of ☐☐ customer ☐☐ related ☐☐ ☐☐ (B) ☐☐ ☐☐		
5. ☐☐ ☐☐ Based ☐☐ on ☐☐ ALJ ☐☐ Not ☐☐ yet ☐☐ ☐☐		☐☐
6. ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ of ☐☐ ALJ	TBD ☐☐	☐☐
7. ☐☐ ☐☐ ☐☐ ☐☐ Based ☐☐ on ☐☐ Ruling ☐☐ forthco ☐☐ (specify): ☐☐		☐☐
8. ☐☐ Has ☐☐ the ☐☐ claimant ☐☐ demonstrated ☐☐ ☐☐ related ☐☐ st ☐☐		☐☐
Showing ☐☐ of ☐☐ "significant ☐☐ finan 180 ☐☐ (g) ☐☐ ☐☐ ship" ☐☐ ☐☐		
9. ☐☐ ☐☐ Based ☐☐ on ☐☐ ALJ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐		☐☐
10. ☐☐ ☐☐ of ☐☐ ☐☐ ☐☐ ruling:	☐☐ 7/20 ☐☐ ☐☐	☐☐
11. ☐☐ ☐☐ ☐☐ on ☐☐ another ☐☐ CPU ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ (specify): ☐☐		☐☐
12. ☐☐ 12. ☐☐ Has ☐☐ the ☐☐ claimant ☐☐ demonstr ☐☐		☐☐
hardship? ☐☐		
Timely ☐☐ request ☐☐ for ☐☐ compensa ☐☐ ☐☐ (§ ☐☐ ☐☐ ☐☐		

13. Identify the Final Decision	D.11-11-012, 012-0148	
14. Date of Issuance	Nov. 17, D.11-11-012, Dec. 16, D.10-12-048	
15. File date of comment	December 1, 2011	
16. Was the request for compensation?	Yes	

C. Additional Comments on Part I (use comment reference #)

#	Claimant	CPUC	Comment

**PART II: SUBSTANTIAL CONTRIBUTION (to be completed indicated)**

A. In the fields below, describe in a concise manner the decision (see §1802(i), 1803 (a) & 1808 contribution, specific reference to final record.)

A.

Contribution	Citation to Decision	Showing Accepted by CPUC
<i>D.11-11-012 (CREST motion)</i>		<input type="checkbox"/>
<ul style="list-style-type: none"> <li>The Clean Coalition petition to revise the CREST program PPA submitted comments reply comments on Decision. We submit motion after learnin</li> </ul>	<p>The Commission agreed to hear our motion and sided with the Clean Coalition in its final decision. The decision summarizes (p. 2): “grants, with modifications motion by Clean Coal</p>	<input type="checkbox"/>

<p>many developers that feed-in tariff program wasn't working. Dev and advocates like Clean Coalition had tried with SCE over two years to in program, to no convene a stakeholder reform from nearly but abandoned this. This prompted the Coalition's motion decision was issued to the Clean Coalition motion, so our contribution in this clear.</p>	<p><i>Motion of Clean Coalition for Immediate Amendments to CREST Power Purchase Agreement</i></p> <p>Clean Coalition's motion changes to the South Edison Company's (SCE) Renewable Energy Small Power Purchase Agreement so that small renewable have an acceptable federal cash grants under the American Recovery and Reinvestment Tax Act projects. We direct 1 advice letter to, changes, (1) modify (Date of Initial Operation Section 4.3) (Term and Termination); (2) modify Section (Term and Termination); (3) Section 12 (Assignment); (4) remove Section (future modifications) and 14.4 for modifications); (5) new contract sections, Majeure, modification, Curtailment, and Collateral Requirements. We have certain matters regarding interconnection."</p>	<p>AB 19</p>
<p><b>D.1012148 (RAM decision)</b> is important to the Clean Coalition was known as the referred to as such decision.)</p>	<p>the</p>	<p>the</p>
<ul style="list-style-type: none"> <li>Made recommendations IOU data sharing requirements re interconnection</li> </ul>	<p>The Decision states (62): "For the initial we adopted the recommendation to require the IOUs to provide "available capacity" at substation and circuit which we define as capacity minus the</p>	<p>the</p>

	<p>and queued capacity. IOUs should provide information in map. If unable to initially, this level of detail, must provide the data most detailed level of and work to increase precision of the information over time.</p>	
<ul style="list-style-type: none"> <li>Argued that requiring avoided cost bids accepted does not federal law</li> </ul>	<p>The decision comments on (List 38): "PG&amp;E, SCE, and that a requirement to bid up established price set at the market a 50% premium viol federal law. They violates state law (Section 399.15(d)) which limitation the IOUs' procure renewable energy MPR costs. They violates federal law and would require them power at a rate FIT Coalition, Solar, Solar Alliance and IOUs' arguments about of the proposed decision, example, Vote Solar IOUs' arguments about and contends that the arguments are based erroneous assumption that prices will exceed the states that the proposed does not violate federal it would only set IOUs' procurement of products and the cost would be determined market mechanism. In fact, these (List 18-19): the proposed decision</p>	<p>IOU</p>

	<p>would have required solicit eligible projects and accept all bids. RAM up established appropriate and a capacity cap on the legality of this on both federal and federal law issue is in this decision because the IOUs' discretion in instances of market non-competitive pricing to other renewable opportunities. See details on project</p>	
<ul style="list-style-type: none"> <li>Recommended a 4,000 program cap</li> </ul>	<p>The decision did not state (24): "In response to 1,000 MW cap. Sierra Club, First Solar, Community College District Solar and others argued no cap. For Alliance recommends a MW; Sierra Club recommends (with all FIT included); Coalition recommends (with minimum of MW per year); LA Comm District and Vote no cap (i.e. unlimited</p> <p>The decision included (25): "Parties provide recommendations on the appropriate cap level, unlimited authorization, of ED's 1,000 MW have had mixed experience uncapped programs and adopt this expansion program limit, at least have some evidence We decline to adopt</p>	<p>cap</p>

	<p>no cap. The 1, to three IOUs is provide market opportunity being sufficiently small protection against bad the absence of a requirement cap, we DRAs and First Solar nameplate capacity cap MW to be procured IOUs over the next may adjust our 1,000 time based on evidence and</p>	
<ul style="list-style-type: none"> <li>Argued for increased transparency of prices</li> </ul>	<p>The decision 66 “Parties present a raft of FIT Co-ops that have prices for each project revealed or the key identified by ED (i.e. provides a investment signal) will not</p> <p>The Commission our recommendations (p. expect ED, respondents, to explore all reasons make price and other widely available. At require specific information to be revealed publicly. For received and shortlisted, the IOUs to provide information: names of companies and the number per company; number received and shortlisted; size, participating technologies, quantitative summary of projects passed each viability screen, and by county provided. Finally, the IOUs must information on the</p>	<p>the</p>

	project development fair all executed RAM co	
<b>Resolution 44 RAM advice letters</b>	켄	켄
The IOUs submitted letters to implement program and the Coalition submitted substantial comments protests SCE's and letters. Commission agreed with all Clean Coalition's recommendations.	켄	켄
Argued that auction should remain at	The resolution states Decision directs the two auctions per calendar year. In a letter, SCE requests Decision's requirement of two auctions per year. Six months after this request while SCE and Clean Coalition, and oppose it. "The resolution with the Coalition and concludes (p. 5): "The threshold auction never The first auction shall than November 15, and the second auction shall than May 2012."	켄
Argued full capacity deliverability is not required for RAM	The resolution originally and with our comments added additional nuance by deliverability to be could be secured at developer IOUs not require capacity deliverability unless the seller can deliverability with no costs to the seller. We not use achievement of deliverability as a	켄



	project selection criterion they're achieving capacity deliverability status condition precedent to operation."	
Opposed the use of upgrade	The resolution agreed position (p. 13) the estimated transmission upgrade costs resulting most recent interconnecti to the seller's proposals bids. SCE and SDG&E the transmission network cost caps from their protocols and contract."	
Argued that SCE's was not in line with D.10-12-048	The resolution agreed stating (p. 10) the parties that SCE's may provide "available capacity substation and circuit required in the Decision should provide a capacity at the subst circuit level for its locations within 30 resolution."	
Argued that any 10% higher than bid should be IOUs as reasonable	The resolution disagreed this (p. 25) purposely did not determine terms so that the their discretion based nearly ten years of procuring renewable energy through a competitive as a result, the proposal is rejected."	
Argued that IOU forecasting requirements were too rigorous	The resolution agreed in (p. 1) stating the shall work with part more standardized requirements and in limit language in the comp required by this resolution us, however, on our	

	recommendation (p. 32): Clean Coalition states that it be responsible for the Decision. It requires that it be responsible for the staff rejects the Clean proposal.”	
Objected to IOU performance obligations	The resolution agreed Clean Coalition shall use the ordered in the	
Objected to SCE’s floor and cap	The resolution agreed (33): shall require actual damages and damages based on the ceiling and floor.”	

Clean  
 Coalition

B. Duplication of Effort (§§ 1.3(f) & 1802.5):

Claimant	CPUC Ver
a. Was a party to the	
b. Are there other parties to	
c. If so, provide name of other party	
D.11-11-012: Comments were submitted by SunEdison, SunEdison Power, SunEdison, and SunEdison. There are also hundreds of proceeding that did not submit comments listed in the certificate of service.	
D.10-12-048: On September 27, 2010, comments were filed by Calseia, CARE, CEERT, DRA, enXco, Energy, GPI, IEP, Jan Reid, LS Power Energy, SCE, SDG&E, SFUI, Sierra Club Sustainable Conservation, TURN, and Vote 2010. Comments were filed on GPI, Jan Reid, LS Power Associates, Solar Alliance, Sustainable Conservation, Walmart, and Western Power and hundreds of comments on the proceeding.	

d. Describe how you coordinated with other parties to avoid duplication or how your party complemented, or contributed to other parties.

The Clean Coalition's compensation in this proceeding should not be reduced for duplication of parties. In respect to the motion, there was duplication because the Clean Coalition filed the motion to dismiss and in negotiating other parties.

With respect to the Commission's decision which the Clean Coalition is seeking to set aside involving multiple participants (and there proceeding), the Commission would have been virtually completely avoid some duplication parties. Moreover, the Commission has been practically unavoidable in a proceeding stakeholder groups are encouraged to participate.

In this case, the Commission should keep such duplication to a minimum, if it happens, our work served to complement the others. In reviewing other parties' comments, note that the Commission's comments were on many issues. Moreover, the fact that the Clean Coalition's comments numerous times indicated the nature of the Commission's comments.

In summary, any incidental duplication occurred here should be found to be the Clean Coalition's contributions to the proceeding circumstances, no reduction to our burden is warranted.

C. Additional Comments on Part II (use line reference #)

#	Claimant	CPUC	Comment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PART OF REASONABLENESS OF REQUESTED COMPENSATION (to be Claimant except where indicated)**

CPUC

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

<p>Concise explanation as to how the participation bears a reasonable relationship through participation (include where appropriate)</p>	<p>CPUC</p>
<p>With respect to the Clean efforts were directed at creating program under SCE's umbrella. AB CREST program and SCE was not in a way that also construction of projects. The Legislature AB 1969 program was good for required that these efforts to fix this SCE and environmentally beneficial for all ratepayers and taxpayers the benefits these projects will provide that the Clean Coalition is seeking.</p> <p>Similarly, with respect to the comments on the letters, efforts were aimed at ensuring program without overly burdensome will tell if our efforts were that our efforts are very likely ratepayers. Our requested compensation than offset by the benefits to program. We cannot know at this monetary benefit under the R is an auction program, but given by the Commission for this program ratepayers will realize good value.</p>	<p>CPUC</p>

CPUC  
CPUC  
CPUC

B. Specific See Attachment Name

<p>CLAIMED</p>	<p>CPUC</p>
<p>ATTORNEY AND ADVOCATE FEES</p>	

Item	Year	Hours	Rate	Basis Rate*	Total	Year	Hours	Rate	Total
Hunt	2010	18.25	\$315	D.11-10-040 <sup>1</sup> D.08-04-010	\$5,749				
Hunt	2011	35.5	\$330	D.11-10-040 and D.08-04-010	\$11,715				
				Subtotal:	\$17,463			Subtotal:	
EXPERT FEES									
Item	Year	Hours	Rate	Basis for	Total	Year	Hours	Rate	Total
Craig Lewis <sup>2</sup>	2010	4	\$175	D.08-04-010	\$700				
Craig Lewis	2011	12	\$185	D.08-04-010	\$2,220				
Ted Ko <sup>3</sup>	2010	9.75	\$165	D.08-04-010	\$1,609				
Ted Ko	2011	18.75	\$175	D.08-04-010	\$3,281				
Sahm White <sup>4</sup>	2010	47.75	\$250	D.08-04-010	\$11,938				
Sahm White	2011	27.5	\$270	D.08-04-010	\$7,425				
				Subtotal:	\$27,173			Subtotal:	
OTHER FEES									
Describe here what OTHER HOURLY FEES									

<sup>1</sup> D.11-10-040 approved \$300 an hour for Hunt in 2009 and D.08-04-010 (p. 9) provides for a 5% annual increase each year within each level of experience (p. 8).

<sup>2</sup> Lewis has 6 years experience in the renewable energy field and over a decade of experience in the telecommunications field. Lewis is the Executive Director of the Clean Coalition.

<sup>3</sup> Ko is the Associate Executive Director of the Clean Coalition and has five years of experience in the renewable energy field, with previous experience in the IT field.

<sup>4</sup> White has 12 years of experience in the energy and clean air field and is the Clean Coalition's Policy Director.

Subtotal: ₩					Subtotal: ₩					
INTERVENOR COMPENSATION CLAIM PREPARATION										
Item	Year	Hours	Rate	Basis for	Total	Year	Hours	Rate	Total	
Dyana Polk	2011	2.5	\$73 <sup>5</sup>	D.08-04-010	\$183					
Hunt	2011	9.75	\$175	D.11-10-040 and D.08-010	\$1,155					
Subtotal: \$1,338					Subtotal: ₩					
COSTS										
#	Item	Detail			Amount	Amount				
					₩	₩				
Subtotal: ₩					Subtotal: ₩					
TOTAL REQUIRE					\$45,975	TOTAL AWA				
When entering items, enter only bracketed text; add a *If hourly rate based on CPUC decision, provide rationale. **Reasonable claim preparation time typically comparable to normal hourly rate.										

₩  
₩

C. Attachments or Comments Documenting Specific Claim (Claimant attachments not attached to final Decision):

Attachment Comment #	Description/Comment
1	Certificate of Service
2	Time record

₩  
₩

D. CPUC Disallowances & Adjustments (CPUC completes):

<sup>5</sup> Polk has two years of experience on CPUC matters, resulting in a rate of \$145 per hour, which divided by two is \$73.

#	Reason

**PARTY OPPOSITIONS AND COMMENTS**

Within 30 days after service of process on this claim, or any other party may file a response to

(CPUC completes the remainder of this for  
 )

A. Opposition: (see the any )	
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)  
 )  
 If (of)

Party	Reason for opposition	CPUC Disposition
)	)	)
)	)	)

)  
 )  
 )

B. Comment Period: (new ) waived (see Rule 16(d)(6)) (Y/N)?	
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)  
 )  
 If (of)

Party	Comment	CPUC Disposition
)	)	)
)	)	)

)  
 )  
 )

**FINDINGS OF FACT**

1. Claimant [has/has not] made a substantial contribution to
2. The claimed fees and costs [as adjusted herein,] to experts and advocates having comparable training and similar res.
3. The total of reasonable contribution is \$\_\_\_\_\_.

**CONCLUSION OF LAW**



1. The claim, with any adjustment set forth above, [satisfies] requirements of Public Utilities Code §§ 1801

ORDER  
[ ]

1. Claimant [ ] is awarded [ ] \$\_\_\_\_\_

2. Within 30 days of the effective date of this decision, [ ] Payment of the award shall include interest at month commercial paper as reported in Federal Reserve beginning 12:00, [ ] the [ ] after the filing of claimant's [ ] until full payment is made.

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

4. [This/these] proceeding[s] [is/are] [ ] closed.

5. This decision is [ ] effective to

Dated \_\_\_\_\_, [ ] at San Francisco, California.

[ ]  
[ ]  
[ ]

[ ]

VERIFICATION

I am an attorney for the authorized to make verification on its behalf. I am informed and believe the foregoing pleadings are true

I declare under penalty of perjury and affirmation that I have Executed this document on 11/20/2011, at Santa Barbara, California

Tamara

Attorney for Co