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Agenda 222 ID 222# _____
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Decision 222 222 222
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Co-Implementation and Administration of Renewables Portfolio Standard Program	Rulemaking 051005 (Filed May 3, 2011)
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CLAIM AND DISCONTINUATION REQUEST FOR INTERVENOR COMPENSATION

Claimant: Clean Coalition (for the FIT Coalition)	For contribution to the
Claimed (\$1,606)	Awarded (\$)
Assigned Commissioner: Tamlyn	Assigned Angelis
I hereby certify that the information I have set forth in my best knowledge, information and belief. I further certify that, Rules of Practice and Procedure, and this case has been served upon all persons (as set forth in the Certificate of Service attached as	
Signature: 	
Date: 7/16/2012	Printed Name: Tamlyn

PART I: PROCEDURAL ISSUES (to be completed indicated)

A. Brief Description: D.1205035 Implementing aspects of a feed-in tariff bill for renewable energy and

B. Claimant must satisfy intervention requirements set forth in Public Utilities Code, 23818

222	Claimant	CPUC Ver
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Timely filing of notice of intent to claim		
1. Date of Prehearing Conference	June 13, 2011	
2. Other Specified Date for		
3. Date NOI Filed:	7/8/2011	
4. Was the notice of intent timely filed?		
Showing of customer related status (§ 1802(b))		
5. Based on ALJ ruling number:	Not yet issued	
6. Date of ALJ ruling:	TBD	
7. Based on another CPUC date (specify):	Ruling forthcoming	
8. Has the claimant demonstrated related or customer status?		
Showing of "significant financial hardship" (§ 1802)		
9. Based on ALJ ruling number:	R.1005006	
10. Date of ALJ ruling:	7/19/2011	
11. Based on another CPUC date (specify):		
12. Has the claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1802)		
13. Identify Final Decision	D.1205035	
14. Date of Issuance of Final Decision	May 24, 2012	
15. File date of compensation	July 20, 2012	
16. Was the request for compensation timely?	Yes	

§ 1802

§ 1802

C. Additional Comments on Part I (use the reference)

#	Claimant	CPUC	Comment

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

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A. In the fields below, describe in a concise manner the final decision(s) (i), § 104.03(a) or each contribution, support specific references to records.

Contribution	Citation Decision Record	Showing Accepted CPUC
<p>Staff Proposal contributions Clean Coalition The Clean Coalition submitted opening and reply briefs implementation (March 7, 2011 March 22, 2011) then, in 2011 (the proceeding) rounds of on the ALJ Ruling (July 26, 2011), and two rounds comments (Nov. 2011 and Nov. 2011) on the staff proposal participated in a 2011 Sep 26 that led to the</p>	<p>Almost a year of activity by stakeholders and Commission staff preceded the Staff Proposal to implement SB 1040 Staff Proposal cites the Clean Coalition numerous times, as described below.</p>	
<p>Party pricing proposals</p>	<p>Staff Proposal p. 3: "Various parties recommend the Commission set the FIT price using the MPR as the and then adjusting the price for various adders, including TOD factors, avoided environmental externalities, locational benefits, health improvements or job creation. These parties include: Vote Solar, AgPower, CA Farm Bureau, Clean Coalition, Edison, CalSEIA, and Solar Alliance." The Staff adopted recommendation for a locational adder, but not our recommendation to use the MPR as the</p>	<p>Various parties set the FIT price using the MPR as the and then adjusting the price for various adders, including TOD factors, avoided environmental externalities, locational benefits, health improvements or job creation. These parties include: Vote Solar, AgPower, CA Farm Bureau, Clean Coalition, Edison, CalSEIA, and Solar Alliance." The Staff adopted recommendation for a locational adder, but not our recommendation to use the MPR as the</p>

<p>adjustments</p>	<p>(p. 21)</p> <p>Staff proposal proposed the Clean Energy Coalition's June 21 Comments, the following proposal, suggesting that the CSI program be specific to etc. utilize First half of each IOU's share 2009: MPR plus TOD Third quarter of each IOU's share: Minus 5% from 2009 MPR Fourth quarter of each IOU's share: Minus 10% from 2009 MPR</p> <p>The Staff proposed a similar version of our volumetric pricing proposal (p. 12), requesting further comments from parties, which the Clean Energy Coalition supplied in later comments.</p>	
<p>viability and queue management</p>	<p>Staff proposal provides "parties, including the Clean Energy Coalition, Sun Edison, Fuel Cell Energy, CE Wind Solar, CalSEIA, and Silverado propose some degree of project viability requirements. Staff agrees with the need for project viability criteria and proposes the following criteria, which are mostly consistent with the RAM program. The only difference is the bid fee and seller concentration, which are not a requirement in the RAM program."</p>	
<p></p>	<p>Staff proposal proposed 21: "Staff agrees with the need for project viability criteria and proposes the following criteria..."</p> <p>"Bid fee</p> <p>a. \$/kWh Clean Energy Coalition</p>	

	SunEdison, FCE, (CHRT)”)	
Final Decision, 2010.3.2	Staff Proposal p. 21: “18 months with one extension for regulatory delay.”	
Final Decision, 2010.3.2	The Final Decision cites the Clean Coalition numerous times and, as can be seen from our involvement in the previous Staff Proposal, our involvement was a substantial contribution in helping staff to develop their proposal. The Decision did not, unfortunately, adopt many of our Staff Proposal’s recommendations. We describe here the contribution of the Clean Coalition’s contributions in the FD and the extent to which our recommendations	
FD, Contract Price	FD, p. 21: “Clean Coalition supports continued reliance on the MPR adjusted to reflect time delivery payments per § 399.20(d)(3), all current and anticipated environmental compliance costs per § 399.20(d)(1), and locational benefits per § 399.20(e).” Regarding environmental benefits, the Coalition acknowledges that the MPR currently captures some environmental costs but suggests that under § 399.20(d)(1) the Commission has authority to make further adjustments. Specifically, Clean Coalition recommends that the MPR be adjusted to capture current or future additional environmental compliance costs, including those costs noted by a report cited in CALSEIA’s comments ¹ on the value to	

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	<p>ratepayers of avoided methane, NOx, CO2, SOx, VOCs, and PM10 emissions. Clean Coalition suggests this value could be represented by the addition of 100 MW to the MPR. Regarding locational benefits, Clean Coalition suggests this value could be represented by addition of 35% of the MPR based on the type of grid support provided, such as avoided transmission, avoided line losses, reliability and blackout prevention, and improved power quality.”</p> <p>The FD adopted the Staff Proposal’s recommendation of the RAM clearing price for the ReMAT (SB 32) starting price (p. 22), deciding against the MPR as a starting price because the MPR is based on the proxy cost of a new natural gas power plant (p. 28)</p> <p>However, the FD also adopted (pp. 41-42), without citing the Clean Coalition, the requirement that the ReMAT price adjust upward if less than 50% of the allocation was subscribed. The FD does not cite specifically, but we were the only ones to suggest change from the PD.</p>	
<p>Price Adder and</p>	<p>FD, pp. 28-30</p> <p>“The Renewable FiT Staff Proposal also recommends a locational adder for generation located in so called “hot spots” are defined in the Staff Proposal as “areas where distribution and transmission system upgrades can be deferred if</p>	<p>”</p>

	<p>new generation is located in that area. As a result, the Staff Proposal recommends a price adjustment mechanism for each product type for each utility after a certain subscription level is reached thereof. Staff did not recommend a particular adjustment mechanism but rather referred to CALSEIA, SCE, Clean Coalition and Vote Solar Initiative's recommendations."</p> <p>L (\$) \$, 5% \$ 2/ 92 5/, 2-% \$1H2 2% 2 22 \$ -\$ 1-2 32% \$ \$ "-2-% 5., 132%" D O J</p>	
<p>FD, Other Price Adder</p>	<p>FD, p. 29: "As discussed above, CALSEIA, Placer County, Silverado Power, the Solar Alliance, Vote Solar Initiative, Clean Coalition and other parties support a pricing proposal based on adjusting the MPR with some type of adder, for example, an adder based on the attributes of a specific technology type, locational conditions, or environmental societal benefits."</p> <p>(E) \$, 5-2 92 5, 2- 1 2 2 22 - 6 1-2 32 " -2 5., 132%" D ?</p>	
<p>FD, Transmission Adder</p>	<p>FD, p. 34: "We do not adopt other components of the Renewable FiT Staff Proposal, including the location adder or a transmission adder base we find these components either inconsistent</p>	

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	<p>with existing law or require more development. Regarding the transmission adder, we find that the record does not support a determination that the transmission costs for particular RAM contracts constitute the avoided transmission costs for renewable FiT generators under the law. As discussed previously regarding the Coalition's suggested location adder, we agree with the concerns expressed by SCE and the other utilities that additional scrutiny is needed before the Commission adopts a location adder. Furthermore, the requirement that projects in the §399.20 FiT Program be "strategically located," as discussed separately in Section 6.9, addresses the concerns that parties and Staff sought to address through a locational adder, which is to provide an incentive to generators to locate in areas with load in order to avoid upgrades to the transmission system."</p> <p>L \$) \$, 5% \$ 2/ / 92 5/, 2-% \$ 1H2 2% 2 22 \$ -\$ 1-2 32% \$ \$ "2-%.5., 132%" D O J</p>
<p>FD, Ratepayer Indifference</p>	<p>FD, p. 10-34 March 2011 briefs and comments filed in July, August, and November 2011, parties addressed the meaning of the requirement under §399.20 that "ratepayers that do not receive service pursuant to the tariff are indifferent to whether a ratepayer with a generation facility receives service pursuant to the tariff." Some parties, including CEERT, stated that ratepayers are indifferent to any avoided cost rate. Other parties found ratepayers to be indifferent to</p>

	<p>any rate that is value based. These parties include CALSEIA, Agricultural Energy Consumers Association (AEC)/Inland Empire Utilities Agency, Clean Energy Coalition. The Commission cited the customer indifference provision in the implementation of the FD agreed with our recommendations on ratepayer indifference (pp. 35-36) agreeing that ratepayers needed to be protected against excessive costs, as we had argued, but finding that the proposed MAT pricing mechanism ensured ratepayer indifference better than our proposed MPR volumetrically adjusting pricing system. Today that MAT Rea has set pricing methodology, best ensures ratepayer indifference under § 399.20(d)(3). At base, let approach is in the best interest California electricity customers. We now know that the state's renewable energy market has matured and prices have decreased.”</p>
<p>FD, Increasing Project Size</p>	<p>FD, p. 21-57. Coalition supports increasing the capacity beyond the capacity limitation in the statute and suggests the Commission, on its own authority, further increase the capacity limitation to 500 MW. Coalition points to expedited interconnection processes that apply to projects up to 500 MW to justify its interest. Parties support an increase to 500 MW. Sustainable Conservation points to the benefits to the grid</p>

	<p>offered by the increased project size and to developers in terms of financial viability.</p> <p>The FD did not adopt recommendation in this regard 58): “We find that increasing the maximum project size to 300 MW is reasonable based on the Commission’s obligation to implement the provisions of the statute and note that any reliability concerns triggered by individual generating facilities are appropriately identified and mitigated within the interconnection process. We decline to implement program size limitation since the plain language of §399.20(b)(1) clearly defines the effective capacity of not more than 75 MW.”</p>
FD, Project Viability	<p>FD, p. 42. Clear the Coalition Fuel Cell Energy, CEERT, and Silverado Power agreed that it is a critical issue to target viable projects since the amount of capacity in the §399.20 FiT Program is limited. These parties stated that increasing viability contracts executed pursuant to this program will allow for more efficient management of the limited program capacity and benefit the market by reducing speculative contracts.”</p> <p>The FD agreed our recommendation for project viability, although not with all of our specific recommendations (p 63): “This decision adopts the above noted project viability criteria 1 through 6.”</p>
FD, Increase Program Size	<p>FD, p. 48. We do not adopt the recommendation by some parties, including Vote Solar</p>

	<p>Initiative, Solar Alliance, Sierra Club, and Clean Coalition to increase the capacity beyond 750 MW. The Legislature created a program under SB 2008 limited to 750 MW and this program is, notably, not a take-or-pay obligation by utilities and the renewable generation procured under this program has cost implications for ratepayers. Therefore, today we set as our goal implementing the plain language of the statute and the 750 MW capacity noted in the statute. On the record today also rests upon our goal of achieving “ratepayer indifference” and cost containment within the program. We are sensitive, however, to the fact that the program’s MW may quickly be subscribed. In that situation, we will consider proposals from parties to expand the program.”</p> <p>Pp. 68. Furthermore, other parties, Clean Coalition and CEERT, suggest that the 750 MW capacity is an amount in addition to the existing 250 MW capacity enacted under AB 1969 and implemented by the Commission in D.0707027. We disagree. Again, we find that the plain language of the statute establishes a total capacity of 750 MW for the entire \$399.20 Program and, accordingly, does not provide for an additional capacity of 250 MW.”</p>
<p>FD, Solutions for Utilities</p>	<p>FD, p. 95. “In this proceeding, on November 10, 2011, the Commission issued a decision granting, in part, a motion filed by the Clean Coalition to change SCE’s \$399.20 FiT Program standard power purchase agreement in a manner similar to those sought by Clean</p>

	<p>Coalition's petition for modification.³ For instance, the November 10, 2011 decision addressed a request to add curtailment provisions and delete paragraphs 4.2, 14.2, 14.4. In addition, today's decision addresses the issue of pricing under the § 399.20 FiT Program which is also framed by the SOI for Utilities' petition for modification. A future decision in 2015 will address standard terms and conditions for the § 399.20 FiT Program standard power purchase agreement. Finally, R.1109011 is the proper forum to address modification of the FFOA and other interconnection agreement issues.</p>	
<p>The Clean Coalition also All Party Meeting on M and we provided our recommendations orally</p>	<p>Our recommendations were considered, with other parties in attendance, in modifying the PD into the PD.</p>	
<p>The Clean Coalition also number of ex partes, Commissioner Pevey's energy advisor, Scott Munnisi, 2012, Commissioner Ferron's energy advisor, Sara Kami 2012, as well as preparing Alternate Decision proposal presented to various party Commissioners</p>	<p>The Commissioners declined to adopt our recommendation for an Alternate Proposal.</p>	

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B. Duplication of Effort (§§ 87.3(f) & 1802.5):

22	Claimant	CPUC Ver
a. Was DRA a party to the proceedings?	Yes	Yes
b. Were there other parties to the proceedings?	Yes	Yes
c. If so, provide name of other parties:		Yes

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Comments were filed on July 27 parties, including SDG&E, DRA, TURN, CalSCLAER, Sierra Club, Green Power, Silverado, etc. There are also hundreds of other parties to the proceeding who do not submit comments on this decision. (See list of parties who did not comment on this filing).

d. Describe how you coordinated with DRA or how your participation or contribution to that extent of another party.

The Clean Coalition's compensation in this proceeding should be reduced to avoid potential duplication of the showings by other parties. The proceeding involving multiple participants (and there were many in this proceeding), is summarily impossible for the Clean Coalition to completely avoid duplication of the work by other parties. Moreover, the Commission has noted that duplication may be practically unavoidable in a case such as this where many stakeholders participate.

In this case, 59-126-2-13, 2-16-8-2-11-83, 2-12-31-55, 2-26-22-59-12-2-395, 2-M. Additionally, the Clean Coalition took all reasonable steps to keep duplication to a minimum, and to ensure that when it did our work served to complement and assist the showings of other parties. In reviewing other parties' comments, we note that the Clean Coalition comments were unique on many issues. Moreover, the fact that the Commission cited the Clean Coalition's comments numerous times in the duplicative nature of our comments.

In summary, any duplication that may have occurred here should be found to be more than offset by the Clean Coalition's contributions to the proceeding. Under these circumstances, no further compensation due to duplication is warranted.

C. Additional Comments on Part II (use line reference where appropriate):

#	Claimant	CPUC	Comment
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PART 104 REASONABLENESS OF REQUESTED COMPENSATION (completed by Claimant except where indicated)

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A. General Claim of Reasonable 1806 and 1801

Concise explanation as to how the bears a reasonable relationship with participation (include references to record)	CPUC Verdict
<p>The Clean Coalition has been an innovative legislative and regulation for almost five years. The Clean Coalition” and previously PASO Coalition have sponsored legislation on net metering in Sacramento and have been involved from the outset at the CPUC in terms of implementing SB numerous rounds of described above. The Clean Coalition gained its Clean Name Programs, which are a branding of net metering policies and a “clean local energy accessible now.” We have gained an expert on tariff policies and have been retained by a number of jurisdictions including the City of Palo Alto and City of Fort Collins (Colorado) help design local net metering. The Final Decision cites the Clean Coalition’s comments in numerous places and many aspects of the program reflect our policy recommendations, even where we are cited explicitly. While we were not happy with many aspects of the final program created in 2015, we feel that without our involvement it would likely have been a worse program.</p> <p>In particular, we argued for a Market Price Referent volumetrically price adjusting feed-in tariff, which would, if the Commission had adopted it, very likely have saved ratepayers more over the price mechanism the Commission adopted. This is the case because the adopted program rise under the mechanism if parties don’t accept the price offered in the previous period, with no cap on the feed-in tariff (the allocation is fully subscribed). This is highly uncertain at this time, however, what the actual price under the adopted program would be, knowing at this time what the market response will be until the program actually up and running. Accordingly, we won’t know what financial impact our comments will have on ratepayers until the program has been underway for some time.</p> <p>In terms of allocation of time between issues in this proceeding there was really one overarching implementation of SB 1806 to with alacrity, certainty and transparency. Our comments on program design, and there is a separate related proceeding design that were included remain active in this proceeding as</p>	

the Power Purchase Agreement is vetted and modified, and other necessary program elements are put in place in additional decision.

We were always very careful in the most appropriate personnel for each task. Tammy Hunt was the lead on most SB 32 matters, with Associate Executive Director Ted Ko and Policy Director Sahm White, providing close support and attendance at events. Executive Director John Hagler provided constant review of all filed documents and policy positions, as well as weekly discussions. Attorney Becky Davis assisted with Dynamic Deficiency and Chase Adams assisted initially.

On the terms of the California Public Utilities Act, in this proceeding, it is very difficult to provide all supporting evidence for each of our comments ranged widely over various concerns about proposed program design. SB 32 implementation of our efforts were focused on ensuring a program that provides good value to ratepayers as well as an effective program for achieving law's objective of spurring renewable energy development keeping ratepayers economically different.

B. Specific Attorney Fees

CLAIMED						CPUCWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis of Rate*	Total	Year	Hours	Rate \$	Total
Hunt (regular)	2011	105.75	\$330	D.11101404 and 101010	\$34,898				
Hunt	2012	51.75	\$330	D.11101404 and 101010	\$17,078				
Becky Davis	2011	35.5	\$205	D.081041010	\$7,278				
				Subtotal:	\$59,254				
EXPERT FEES									

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Item	Year	Hours	Rate	Basis Rate*	Total	Year	Hours	Rate	Total	
Craig Lewis	2011	16.25	\$175	D.08104010	\$2,844					
Craig Lewis	2012	4.5	\$184	D.08104010	\$828					
Ted Polk	2011	28.25	\$175	D.08104010	\$4,944					
Ted Polk	2012	62.75	\$184	D.08104010	\$11,546					
Sahm White	2011	67.5	\$270	D.08104010	\$18,225					
Sahm White	2012	12.25	\$270	D.08104010	\$3,308					
Dyana Delfino	2012	8	\$75	D.08104010	\$600					
	Subtotal:					\$42,295				

OTHER FEES

Describe here what OTHER HOURLY FEES you have

Item	Year	Hours	Rate	Basis for	Total	Year	Hours	Rate	Total	
	Subtotal:						Subtotal:			

INTERVENOR COMPENSATION CLAIM PREPARATION

Item	Year	Hours	Rate	Basis for	Total	Year	Hours	Rate	Total	
Hunt	2012	13.5	\$175	D.11101040 D.08104010	\$2,363					
Chase Adams	2012	7.5	\$92.5	D.08104010	\$694					
	Subtotal:					\$3,057				

COSTS

#	Item	Detail	Amount	Amount	

<i>Subtotal:</i>	\$ 104,606	<i>Subtotal:</i>	\$ 104,606
TOTAL REQUEST	104,606	TOTAL AWAITING	104,606

When entering items, type over bracketed text; add additional rows
 *If hourly rate based on CPUC decision, otherwise, detach from order.
 **Reasonable claim preparation time typically compensated at 1/2 of rate.

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

Attachment or Comment	Description/Comment
1	Certificate of Service
2	Time record
3	Staff resumes
4	

D. CPUC Disallowances & Adjustments (CPUC completes):

#	Reason

\$

PARTY OPPOSITIONS AND COMMENTS

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

(CPUC completes the remainder of this for
)

A. Opposition: Did any party file a response to this claim?

If so:

Party	Reason for Opposition	CPUC Disposition

)

B. Comment: Was any comment filed in this period?
 Rule 14.6(2)(6) (Y/N)?

If so:

Party	Comment	CPUC Disposition

FINDINGS OF FACT

- Claimant [has/has not] made a substantial contribution to Decision
- The claimed fees and costs herein, are comparable to market paid to experts and advocates having comparable training and offering similar services.
- The total of reasonable contribution is \$_____.

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CONCLUSION OF LAW

- The claim, with any and all as set forth above, [satisfies/fails to satisfy] requirements of Public Utilities Code §§ 1801

ORDER
)

- Claimant is awarded \$_____.

2. Within 30 days of the effective date of this decision, _____ total award. Payment of award shall include interest at the rate of _____ prime, _____ month commercial paper as reported in Federal Reserve Release H.15, beginning on _____ the day after the filing of claimant's request, and continuing until full payment.
3. The comment period for today's decision _____ [is/is not] waived.
4. [This/these] proceeding[s] _____ [is/are] closed.
5. This decision is effective today.

Dated _____, _____ at San Francisco, California.

VERIFICATION
I

I am an attorney for the California Air Resources Board and am authorized to make this verification on its behalf. I am informed and believe the matters stated in the foregoing pleading are true.

I declare under penalty of perjury that the foregoing is correct. Executed this 16th day of July, 2011 at Santa Barbara, California.

Tamara Han



Attorney for Clean Air Coalition