


Decision \_\_\_\_\_

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

Order Instituting Rulemaking to Implementation and Administration Renewables Portfolio Standard Pro	Rulemaking 051005 (Filed May 15, 2011)
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**CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION**

<b>Claimant:</b> Clean Coalition (formerly the FIT Coalition)	<b>For contribution to D.11-11-012 and D.10-12-048</b>
<b>Claimed (\$):</b> 45,010	<b>Awarded (\$):</b>
<b>Assigned Commissioner:</b> Ferron	<b>Assigned ALJ:</b> DeAngelis
<p>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).</p> <p style="text-align: right;"><b>Signature:</b> </p>	
<b>Date:</b> 12/30/2011	<b>Printed Name:</b> Tamlyn Hunt

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

**A. Brief Description of Decision:** D.11-11-012, Granted the Clean Co amendments to SCE's CRE prog D.10-12-048, Created the RAM pro IOUs to submit advice letters

**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
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<b>Timely filing of notice of intent to claim compensation (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	June 13, 2011	
2. Other Specified Date for NOI:		
3. Date NOI Filed:	7/8/2011	
4. Was the notice of intent timely filed?		
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	Not yet issued	
6. Date of ALJ ruling:	TBD	
7. Based on another CPUC determination (specify):	Ruling forthcoming	
8. Has the claimant demonstrated customer or customer-related status?		
<b>Showing of "significant financial hardship" (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.10-05-006	
10. Date of ALJ ruling:	7/19/2011	
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision	D.11-11-012, 웹 012-0148 웹 009)	
14. Date of Issuance of Final Decision:	Nov. 웹 17, 웹 20 D.11-11-012 웹 and Dec. 웹 16, 웹 20 D.10-12-048	
15. File date of compensation request:	December 웹 30, 웹	
16. Was the request for compensation timely?		Yes

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

#	Claimant	CPUC	Comment

**PART II: SUBSTANTIAL CONTRIBUTION** (to be completed by Claimant except where indicated)

**A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision** (see § 1802(i), § 1803(a) & D.9804-059) (For each contribution, support with specific reference to final or record.)

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
<p>1.D.11-11-012 (CREST motion)                      The Clean Energy Coalition submit motion CLEAN COALITION MOTION FOR IMMEDIATE AMENDMENTS OF AB 1969 CREST POWER PURCHASE AGREEMENT), on Aug. 26, 2011, re: CREST program PPA; comments and reply Proposed Decision. We motion after learning developers that the program simply wasn’t Developers and advocates Clean Coalition had with SCE over the years to improve the avail. SCE had a stakeholder reform program 2011 but abandoned prompted the Clean motion. The decision solely due to the motion, so our substantial contribution in this We also opened comments on Nov. 1, 2011, on Nov. 7, 2011</p>	<p>The Commission heard our motion on 12, and sided with the on all but one decision. The decisionize (p. 2): “This decision modifications, the Coalition, new of Clean Coalition for Immediate Amendments of AB 1969 CREST Power Purchase Agreement. Clean requests changes to California Edison Company California Renewable Energy Tariff Power Purchase (PPA) so that small developers have an to receive federal § 1603 of the and Reinvestment Tax projects. We direct 1 advice letter to, changes, (1) modify (Date of Initial Operation Section 4.2(d)(3) (Term Termination); (2) Section (Term and Termination); Section 12 man (4) remove Section (future modifications) and 14.4 for modifications); and new contract sections, Majeure, Indemnification, Curtailment, and Collateral Requirements. We na certain matters regarding</p>	<p>Clean Purchase</p>

	interconnection.”	
<p>2. D.10-12-048 (It was formerly known as Coalition and this request was decided in proceeding R.11-05-005 and we do so from email Coalition submissions for pricing (Oct. 19, 2009, and</p>		

<sup>1</sup> Hunt’s email to Judge DeAngelis:

Judge DeAngelis,

I’m writing to inquire about timing for applying for intervenor compensation. We spent a significant amount of time on RPS proceeding issues that are not part of the CREST decision (which just came out). For example, we spent a lot of time on the RAM advice letters. Would it be appropriate to include this time in our comp request on the CREST decision?

Sincerely,

Tam Hunt, Policy Advisor and Attorney  
 Clean Coalition  
 (805) 214-6150

Judge DeAngelis’ response on 11/18/11:

Mr. Hunt, It would be appropriate. Thank you.

Regina M. DeAngelis

Administrative Law Judge

California Public Utilities Commission

<p>the Proposed Decision Oct. 7, 2010, the Clean Energy Coalition submitted detailed comments on the RAMP in 2011 (March 17, 2011) Coalition</p>		
<p>Made recommendations on sharing requirements re interconnection Coalition opening comments (p. 6).</p>	<p>The Decision states: “For the initial rollout of the FIT Coalition recommendation require the IOUs to provide ‘available capacity’ at each substation and circuit we define as the minus the allocated capacity. The IOUs should provide this information in an understandable format initially prior to detail, and the data at the most feasible, and work to precision of the time.”</p>	
<p>Argued that requiring cost bids to be a violate federal law Coalition opening comments (p. 5).</p>	<p>The decision comments on this (38): “PG&amp;E, SCE, and that a requirement to bid up to the market set a 50% premium violate federal law. They violate state law (Public Section 399.15(d)) which limitation on the IOUs’ procure renewable energy MPR costs. They violate federal law and would require the power at a rate FIT Coalition Vote Solar, Alliance and IEP arguments about the proposed decision. The Vote Solar opposes the arguments about state contends that IOUs’ are</p>	

	<p>are based on the assumption that RAM exceed the MPR. The proposed decision does federal law because it set targets for the procurement of specific and the competitive prices would be determined through a mechanism.” The decision these concats (19): “The proposed decision required the utilities eligible projects up to accept all bids offered up to a fixed price capacity cap. Parties legality of this approach both federal and state federal law issue is in this decision because the IOUs’ discretion in instances of market non-competitive pricing compared to other renewable opportunities. See S details on project</p>	
<p>Recommended a 4,000 cap</p>	<p>The decision did our recommendation (24): “In response to 1,000 MW cap, Solar Club, First Solar, Community College District Solar and others argued or no cap. For Alliance recommends a MW; recommends MW (with all FIT included); FIT Coalition recommends 4,000 MW minimum of MW auctioned per year); LA Comm District and Vote Sol no cap (i.e. unlimited). The decision included</p>	

	<p>“Parties provide a variety of 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 program at least have some evidence. We decline to adopt no cap. The 1,000 to three IOUs is provide market opportunity being sufficiently small protection against bad outcomes in the absence of a requirement cap, we DRA and First Solar nameplate capacity MW to be procured IOUs over the next may adjust our 1,000 time has evidence of and decisions.”</p>	
<p>Argued for increased prices Coalition pricing comments, (p. 5)</p>	<p>The decisions “Parties present a range of FIT Coalition that prices for each project revealed or the key identified by ED (i.e. provides a investment signal) will not be</p> <p>The Commission our recommendations (p. expect ED, respondents, to explore all real make price and other widely available. At require specific information revealed publicly. For received and shortlisted, the IOUs to provide information: names of companies and the number</p>	

	<p>per company; number received and shortlisted; size, participating technology quantitative summary of projects passed each viability screen, and provided by county. Finally, the IOUs must provide information on the project development milestones executed RAM.</p>	
<p>3. Resolution (R0) advice  The IOUs submitted a implement the RAM Clean Coalition submitted comments and PG letters March 2 attachment COALITION OPENING COMMENTS ON ADVICE LETTERS. The Coalition agreed with all but Coalition's recommendations as described.</p>	<p>Resolution</p>	
<p>Argued that auction should remain at Coalition comments, (3) 7/7/11</p>	<p>The resolution (4): Decision direct to hold two auction year over year. its advice, change the Decision's requirement of holding auctions per year. auction per year. supports this request Alliance, Clean Coalition and Recurrent oppose it." resolution agreed with Coalition concludes "The IOUs shall every six months. auction shall close November 15, 2011, second auction shall</p>	



	later than May 31	
<p>Argued that full capacity should not be used for projects</p>	<p>The resolution generally with our position but additional nuance by deliverability to be could be secured at developer (p. 16) not require the capacity deliverability unless the seller can deliverability with no costs to the seller. not use achievement deliverability to select criterion nor shall the achievement of full deliverability status as precedent to commercial operation.”</p>	
<p>Opposed the use of caps</p>	<p>The resolution agreed position (p. 18) the estimated transmission upgrade costs resulting most recent interconnect to the seller’s proposals bids. SCE and SDG&amp;E the transmission network cost caps from their protocols and contract.”</p>	
<p>Argued that SCE’s RA in compliance 7-8)</p>	<p>The resolution agreed stating (p. 21) parties that SCE’s may provide “available capacity substation and circuit required in the Decision should not the available capacity at the subst circuit level for its locations within 30 resolution.”</p>	
<p>Argued that any bids higher than the media accepted by IOUs 16)</p>	<p>The resolution with this point (p. 22) purposely did not determine so that the their discretion based</p>	

	nearly ten years of procuring renewable energy through a competitive process as a Clean Energy Coalition proposal is rejected.”	
Argued that IOU suggest forecasting requirements will be onerous	The resolution shall in part, state that we shall work with part more standardized requirements and submit language in the commission required by this decision. However, on our recommendation (p. 32): Coalition that the be responsible for forecasting. Decision did not require responsible for staff reject the proposal.”	
Objected to IOU proposal performance obligation	The resolution agreed Clean Coalition (p. 33) shall use the performance ordered in the RAM	
Objected to SCE’s proposal on damages	The resolution agreed 33): SCE shall require actual damages and damages based on the ceiling and floor.”	

**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	Y	
b. Were there other parties to the proceeding? (Y/N)	Y	
c. If so, provide name of other parties:		
D.11-11-012: Comments were filed by SCE, Silverado Power was supportive of our comments are also hundreds of other parties to comments on the decision (in the certificate filing).		
D.10-12-048: On September 27, 2010, comments from CARE, CEERT, DRA, enXco, FIT Coalition, and		

Reid, Sierra Club, Solar Alliance, Sustainable Conservation, Western Power Trading Group. There are no parties that did not align with the parties that were completely aligned.

**d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:**

The Clean Coalition's comments regarding reduced duplication of the showings 011-012, there was essentially no duplication took the lead in submitting the motion with SCE and other parties.

With respect to the decision, the Clean Coalition is seeking compensation, in a participants (and there were many in this virtually impossible for the Clean Coalition to duplication of the work by other parties. noted that duplication may be practically unfeasible where many stakeholders are involved.

In this case, the Clean Coalition took duplication to a minimum, and to ensure served to complement and assist the showin reviewing the parties' comments we also note comments were unique on many issues. Mor Commission cited the Clean Coalition's comments' the duplicative nature of the comments.

In summary, any incidental duplication that should be found to be more than offset contributions to the proceeding. Under these our compensation due to duplication is warranted.

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

#	Claimant	CPUC	Comment

**PART III: REASONABLENESS OF REQUESTED COMPENSATION** (to be completed by Claimant except where indicated)

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

Concise explanation as to how the cost of claimant’s participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)	CPUC Verified
<p>With respect to the Clean Energy Coalition directed at creating a unified umbrella. AB 1969 set in place SCE’s implementing the program in a way that alone construction of projects. The L the AB 1969 program was good for these projects to be. As such, our effort program will result in an environment of renewable energy projects for all ratepayer California. Compared to the benefits these compensation that the Clean Energy Coalition discussed above, there was a consensus by the addressed by the Clean Energy Coalition and ensure that only personnel essential to matters. Attorney Hunt took the lead Associate Executive Director took the lead Lewis, the Clean Energy Coalition’s Executive Director, SCE, other parties and the Commission’s terms of using the most appropriate program.</p> <p>In terms of the time between issue there was really one overarching issue: contract to remove particular contract language projects unfinanceable for lenders. So 100% issue.</p> <p>The Commission’s efforts were aimed at ensuring program without overlapping redemptions. Time our efforts were successful, but we can very likely to provide good value to compensation should be more than offset under the program. We cannot know actual monetary benefits will be under an auction program, but given the par</p>	

Commission for this program, we feel we realize good value.  
 We were always ready to meet our terms and personnel for each task.  
 It is very difficult to provide the comments ranged widely over various contracts and tariff language. All of our ensuring a functional RAM program, with language.

**B. Specific Claim:**

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Hunt	2010	18.25	\$315	D.11-10-040 <sup>2</sup> and D.08-04-010	\$5,749				
Hunt	2011	35.5	\$330	D.11-10-040 and D.08-04-010	\$11,715				
				Subtotal:	\$17,464				
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Craig Lewis <sup>3</sup>	2010	4	\$170	D.08-04-010	\$680				
Craig Lewis	2011	12	\$180	D.08-04-010	\$2,160				
Ted Ko <sup>4</sup>	2009	34	\$135	D.08-04-010	\$4,590				
Ted Ko	2010	9.75	\$145	D.08-04-010	\$1,414				
Ted Ko	2011	18.75	\$155	D.08-04-010	\$2,906				

<sup>2</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). **See Attachment A for resumes for each Clean Coalition staff.**

<sup>3</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>4</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.

Sahm White <sup>5</sup>	2010	47.75	\$175	D.08-04-010	\$8,356				
Sahm White	2011	27.5	\$185	D.08-04-010	\$5,088				
					Subtotal:	\$25,194			
<b>OTHER FEES</b>									
Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):									
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>
[Person 1]									
[Person 2]									
					<b>Subtotal:</b>		<b>Subtotal:</b>		
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>									
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>
Hunt 1	201	9.75	\$165	D.11-10-040 D.08-04-010	\$1,609				
Hunt 2	201	4.5	\$165	D.11-10-040 D.08-04-010	\$743				
					Subtotal:	\$2,352			
<b>COSTS</b>									
<b>#</b>	<b>Item</b>	<b>Detail</b>	<b>Amount</b>	<b>Amount</b>					
			<b>Subtotal:</b>		<b>Subtotal:</b>				
			<b>TOTAL REQUEST \$:</b>	<b>45,010</b>	<b>TOTAL AWARD \$:</b>				
When entering items, type over bracketed text; add additional rows as necessary.									
*If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale.									
**Reasonable claim preparation time typically compensated at 1/2 of preparer's normal hourly rate.									

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

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

<sup>5</sup> White has 12 years of experience in the energy and clean air field and is the Clean Coalition's Policy Director.

3	Staff resumes
4	Clean Coalition Comments on RAM Advice Letters

**D. CPUC Disallowances & Adjustments (CPUC completes):**

#	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))

(CPUC completes the remainder of this form)

**A. Opposition: Did any party oppose the claim (Y/N)?**

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If so:

Party	Reason for Opposition	CPUC Disposition

**B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6)) (Y/N)?**

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If not:

Party	Comment	CPUC Disposition

**FINDINGS OF FACT**

1. Claimant [has/has not] made a substantial contribution to Decision (D.) \_\_\_\_\_.
2. The claimed fees and costs [, as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$\_\_\_\_\_.

**CONCLUSION OF LAW**

1. The claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

**ORDER**

1. Claimant is awarded \$\_\_\_\_\_.
2. Within 30 days of the effective date of this decision, \_\_\_\_\_ shall pay claimant the total award. Payment of the award shall include interest at the rate earned on prime,



three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning \_\_\_\_\_, 200\_\_, the 75<sup>th</sup> day after the filing of claimant's request, and continuing until full payment is made.

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 am an attorney for the Clean Coalition and this verification is true. 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 on December, 2011, at Santa California.

Tam

Attorney for Clean Coalition

**Attachment 1:  
Certificate of Service by Customer**

I hereby certify that I have this day served a copy of the foregoing **CLAIM AND ORDER ON REQUEST FOR INTERVENOR COMPENSATION** by (check as appropriate):

- hand delivery;
- first-class mail; and/or
- electronic mail
- 

to the following persons appearing on the official Service List:

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Executed this 30th day of December, 2011, at Santa Barbara,  
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