

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

1	Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program	Rulemaking 11-05-005 (Filed May 11, 2011)
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INTERVENOR COMPENSATION CLAIM OF THE UTILITY REFORM NETWORK AND DECISION ON INTERVENOR COMPENSATION CLAIM OF THE UTILITY REFORM NETWORK

2	Claimant: The Utility Reform Network	For contribution to Decisions 11-12-020, 11-12-052, 12-05-035 and 12-06-038	
	Claimed (\$): 85,579.20	Awarded (\$):	
	Assigned Commissioner: Peevey	Assigned ALJs: Anne E. Simon, Regina DeAngelis	
	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:		/S/	
Date:	8-27-12	Printed Name:	Matthew Freedman

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

3	A. Brief Description of Decisions:	Decision 11-12-020 sets multi-year procurement quantities required by the new Public Utilities Code §399.15(b) pursuant to SBx2 (Simitian) for all retail sellers under the Renewables Portfolio Standard (RPS) program. Decision 11-12-052 establishes three new portfolio content categories for RPS procurement and sets the minimum and maximum quantities of procurement allowed within each category for each compliance period. Decision 12-05-035 adopts a new pricing mechanism (the
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	<p>Renewable Market Adjusting Tariff) under the Feed-in Tariff required by Pub. Util. Code §399.20 enacted by SB 380 (Kehoe, 2008), SB 32 (Negrete McLeod, 2009) and SBx2 (Simitian).</p> <p>Decision 12-06-038 changes the rules for retail seller compliance with the RPS program based on modifications to the Public Utilities Code enacted in SBx2 (Simitian). These changes include the calculation of deficits through 2010, the treatment of contracts executed prior to June 1, 2010, banking rules, the use of contracts of less than 10 years duration, annual reporting requirements and requests for compliance waivers.</p>
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

		Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):			
4	1. Date of Prehearing Conference:	See Comment #1	
	2. Other Specified Date for NOI:	June 9, 2011	
	3. Date NOI Filed:	June 7, 2011	
	4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(b)):			
5	5. Based on ALJ ruling issued in proceeding number:	See Comment #2	
	6. Date of ALJ ruling:	See Comment #2	
	7. Based on another CPUC determination (specify):	See Comment #2	
	8. Has the Claimant demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):			
6	9. Based on ALJ ruling issued in proceeding number:	P.10-08-016	
	10. Date of ALJ ruling:	November 22, 2010	
	11. Based on another CPUC determination (specify):		
	12. Has the Claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):			

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13. Identify Final Decision:	D.12-06-037	
14. Date of Issuance of Final Order or Decision:	June 27, 2012	
15. File date of compensation request:	August 27, 2012	
16. Was the request for compensation timely?		

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

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#	Claimant	CPUC	Comment
1	TURN		The Order Instituting Rulemaking 11-05-005 states that any Notice of Intent to Seek Compensation “should be filed within 30 days of the date this OIR is mailed.” (page 20). The OIR was mailed on May 10, 2011. TURN filed its NOI on June 7, 2011 even though the original eligibility granted in R.08-08-009 was deemed to remain in force.
2	TURN		TURN did not receive an affirmative ruling on its Notice of Intent in this proceeding. As explained in the Commission’s Intervenor Compensation guide, “normally, an ALJ Ruling needs <u>not</u> be issued unless: (a) the <i>NOI</i> has requested a finding of “significant financial hardship” under § 1802(g). (b) the <i>NOI</i> is deficient; or (c) the ALJ desires to provide guidance on specific issues of the <i>NOI</i> .” (page 12) Since none of these factors apply to the NOI submitted in this proceeding, there was no need for an ALJ ruling in response to TURN’s NOI.

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.98-04-059). (For each contribution, support with specific reference to the record.)

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Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
<p>1. TARGETS / ADOPTION OF MULTI-YEAR COMPLIANCE TARGETS</p> <p>TURN supported the straw proposal for first compliance period targets to begin on January 1, 2011 and to average 20% of retail sales between 2011-2013. TURN opposed proposals by some retail sellers to delay the onset of initial obligations until a later date.</p>	<p><u>D.11-12-020</u></p> <p>The Decision agrees with TURN that the new RPS compliance period requirements commenced on January 1, 2011 (page 10) and that requirements for the 2011-2013 compliance period should be an average of 20% of retail sales during the entire period (page 11). The Decision agrees with TURN that</p>	

<p>TURN agreed with the use of a linear or “straight-line” trend for satisfying the “reasonable progress” requirement for the 2014-2016 and 2017-2020 compliance periods and identified serious deficiencies with alternative (and weaker) proposals made by the Investor-Owned Utilities and Electric Service Providers. TURN further urged the Commission not to establish any individual year targets including any targets relating to the final year of a compliance period.</p> <p><u>Opening comments of TURN and CUE on the ALJ’s ruling requesting comments on new procurement targets, August 30, 2011, pages 1-3</u></p> <p><u>Reply comments of TURN and CUE on the ALJ’s ruling requesting comments on new procurement targets, September 12, 2011, pages 1-6.</u></p> <p><u>Opening comments of TURN and CUE on the Proposed Decision of ALJ Simon, November 17, 2011</u></p>	<p>the “reasonable progress” requirement is satisfied through the adoption of the “straight-line trend” approach contained in the straw proposal, rejects proposals to require retail sellers to satisfy any individual year target of any compliance period (page 17), and rejects alternative weaker target proposals made by the utilities and Electric Service Providers (pages 14-15).</p>	
<p>2. PRODUCT DEFINITIONS / RULES FOR CATEGORY 1 RESOURCES</p> <p>TURN argued that the term “California Balancing Authority” refers to Balancing Authorities operated by the California ISO, Los Angeles Department of Water and Power, the Turlock Irrigation District, the Imperial Irrigation District and the Balancing Authority of Northern California. TURN urged the Commission to exclude other Balancing Authorities that primarily serve load in other states.</p>	<p><u>D.11-12-052</u></p> <p>The Decision agrees with TURN that the term “California Balancing Authority” refers to any balancing authority where more than 50% of the load is located within California and that this definition specifically includes the balancing authorities mentioned in the RPS matrix attached to TURN’s comments. (page 20)</p>	

Opening comments of TURN on the Implementation of New Portfolio Content Categories for the RPS program, August 8, 2011, page 2

TURN argued that any transaction meeting the criteria of §399.16(b)(1)(A) that involves an import into a California Balancing Authority may not substitute electricity from any other generating source (including other renewable generation), must schedule power from the generator into a CBA on an hour or subhourly basis, and that any procured ancillary services must be netted against the actual import before determining the fraction that counts for RPS compliance. TURN argued that PG&E's proposal to allow a monthly true-up period (rather than an hourly true-up) violates SBx2 and was expressly prohibited by the Legislature.

Opening comments of TURN on the Implementation of New Portfolio Content Categories for the RPS program, August 8, 2011, pages 2-4

Reply comments of TURN on the Implementation of New Portfolio Content Categories for the RPS program, August 19, 2011, pages 1-3

Reply comments of TURN and CUE on the Proposed Decision of ALJ Simon Implementing New Portfolio Content Categories for the Renewables Portfolio Standard Program, November 1, 2011, page 5.

The Decision agrees with TURN that any resource scheduling electricity into a California Balancing Authority pursuant to the criteria of §399.16(b)(1)(A) may not substitute electricity from any other generation unit, including another RPS-eligible generating facility. (page 24)

The Decision agrees with TURN that, for any resource scheduling electricity into a California Balancing Authority pursuant to the criteria of §399.16(b)(1)(A), only "the fraction of the schedule generated by the RPS-eligible generator with which the retail seller has a procurement contract is what counts for RPS compliance." (page 25)

The Decision agrees with TURN and rejects PG&E's proposal to satisfy the import and scheduling requirement using monthly aggregation rather than individual hourly schedules, stating that "it is not consistent with the statute nor with this Commission's responsibilities under the RPS program to substitute a time period more than 700 times longer than the statutory criterion when determining compliance with this portfolio content category." (page 39)

<p>3. PRODUCT DEFINITIONS / PORTFOLIO CLASSIFICATION FOR UNBUNDLED RENEWABLE ENERGY CREDITS</p> <p>TURN argued that any transaction involving the purchase of a Renewable Energy Credit (REC) separate from the underlying energy may not be deemed to meet the portfolio content requirements of §399.16(b)(1) or (b)(2). Because the only reference to “unbundled Renewable Energy Credits” appears in §399.16(b)(3), these transactions must count towards this category. TURN argued that any other interpretation would violate the express statutory language.</p> <p><u>Opening comments of TURN on the Implementation of New Portfolio Content Categories for the RPS program, August 8, 2011, pages 4-6</u></p> <p><u>Reply comments of TURN on the Implementation of New Portfolio Content Categories for the RPS program, August 19, 2011, pages 7-9</u></p> <p><u>Reply comments of TURN and CUE on the Proposed Decision of ALJ Simon Implementing New Portfolio Content Categories for the Renewables Portfolio Standard Program, November 1, 2011, pages 1-2.</u></p>	<p><u>D.11-12-052</u></p> <p>The Decision agrees with TURN that purchases of unbundled Renewable Energy Credits (RECs), regardless of the source of the generation, are properly classified under §399.16(b)(3). (pages 28-36) The Decision points out that “Unbundled RECs, as TURN points out, are identified as belonging in § 399.16(b)(3) and are mentioned only in § 399.16(b)(3).” (page 32)</p>	
<p>4. PRODUCT DEFINITIONS / RESALE RULES</p> <p>In reply comments on the PD, TURN argued that renewable energy could be resold without losing its portfolio content category so long as the resale</p>	<p><u>D.11-12-052</u></p> <p>The Decision agrees with TURN that renewable energy may be resold and retain its original product categorization so long as certain conditions are satisfied, such as</p>	

<p>transfers electricity and RECs that have not yet been generated and the electricity is transferred in real-time.</p> <p><u>Reply comments of TURN and CUE on the Proposed Decision of ALJ Simon Implementing New Portfolio Content Categories for the Renewables Portfolio Standard Program, November 1, 2011, pages 2-3.</u></p>	<p>transferring only electricity and RECs that have not yet been generated and transferring the electricity to the buyer in real-time. (pages 36-37)</p>	
<p>5. PRODUCT DEFINITIONS / BIOMETHANE</p> <p>TURN urged the Commission to reject the proposal by Clean Energy Renewable Fuels to classify pipeline biomethane transactions as satisfying the portfolio content criteria of §399.16(b)(1). TURN noted that the California Energy Commission has not yet reached any determinations on the eligibility of these transactions under the new RPS program rules.</p> <p>TURN urged the Commission to modify the Proposed Decision of ALJ Simon and classify pipeline biomethane as a category 3 transaction pursuant to §399.16(b)(3). TURN warned that, absent this treatment, a significant portion of future RPS program needs could be displaced with these transactions.</p> <p><u>Reply comments of TURN on the Implementation of New Portfolio Content Categories for the RPS program, August 19, 2011, pages 12-14</u></p> <p><u>Opening comments of TURN on the Proposed Decision of ALJ Simon Implementing New Portfolio Content</u></p>	<p><u>D.11-12-052</u></p> <p>Although the Proposed Decision of ALJ Simon would have classified pipeline biomethane transactions that rely on California generating units to meet the criteria of §399.16(b)(1)(see PD, page 36), the final Commission Decision modified the PD and declines to classify generation that uses pipeline biomethane as meeting the criteria in Section 399.16(b)(1). The Decision defers further consideration of this issue until subsequent action by the California Energy Commission. Since TURN was the primary (and perhaps only) party opposing the treatment sought by Clean Energy Renewable Fuels, there is no doubt that the modifications occurred due to TURN's participation. (page 43)</p>	

<p>Categories for the Renewables Portfolio Standard Program, October 27, 2011, pages 1-4.</p>		
<p>6. PRODUCT DEFINITIONS / FIRMED AND SHAPED PRODUCTS</p> <p>TURN urged the Commission to reject proposals made by some parties to defer to the existing California Energy Commission (CEC) guidelines for determining the criteria for “firmed and shaped” transactions. TURN pointed out that existing CEC rules allow transactions to count as “firmed and shaped” despite simply matching (or tagging) unbundled RECs with existing unrelated energy imports.</p> <p>TURN argued that a firmed and shaped product eligible under §399.16(b)(2) should meet several conditions including a minimum duration of 5 years for the procurement of substitute energy, the importation of substitute energy within the same calendar year, the provision of substitute energy from within the same WECC subregion as the renewable generator, and reliance on fixed energy prices.</p> <p>TURN urged the Commission to reject the position of the IOUs that “incremental electricity” means any transaction executed after June 1, 2010. TURN pointed out that there is no rational basis for using this date and the “IOUs neither cite any legislative history in support of their position nor offer a compelling rationale for this outcome.” (TURN reply comments,</p>	<p><u>D.11-12-052</u></p> <p>The Decision agrees with TURN that the existing CEC definition of “firmed and shaped” cannot be used to meet the new statutory requirements because “SB 2 (1X) provides both more precise requirements in new § 399.16(b) and stricter usage limitations in new § 399.16(c) than those used in the implementation of SB 107. It is reasonable to interpret this more prescriptive statutory scope as narrowing the range of transactions that would meet the criteria of §399.16(b)(2).” (page 45) Specifically, the Decision agrees with TURN and rejects proposals to allow transactions that satisfied the “tagging” requirement previously adopted by the CEC. (page 48)</p> <p>Although the Decision does not adopt TURN’s proposal that substitute electricity must be provided by generation from the same WECC subregion as the RPS-eligible generator, the Decision states that “this proposal seeks to control the complexity of firmed and shaped transactions, as well as to incorporate an intuitively appealing proximity between the source of the RPS-eligible generation and the source of the substitute energy. While this proposal is interesting, its implications are not clear enough at this stage of this proceeding for the Commission to adopt it.” (page 46)</p>	

<p>August 19th, page 5) Instead, TURN proposed that “incremental electricity” be new to the utility portfolio at the time the contract is executed.</p> <p><u>Opening comments of TURN on the Implementation of New Portfolio Content Categories for the RPS program, August 8, 2011, pages 6-8</u></p> <p><u>Reply comments of TURN on the Implementation of New Portfolio Content Categories for the RPS program, August 19, 2011, pages 3-7</u></p> <p><u>Opening comments of TURN on the Proposed Decision of ALJ Simon Implementing New Portfolio Content Categories for the Renewables Portfolio Standard Program, October 27, 2011, pages 4-6.</u></p> <p><u>Reply comments of TURN and CUE on the Proposed Decision of ALJ Simon Implementing New Portfolio Content Categories for the Renewables Portfolio Standard Program, November 1, 2011, page 5.</u></p>	<p>The Decision adopts the proposal submitted by TURN, DRA and UCS that contracts for substitute energy associated with §399.16(b)(2) products “either be at least five years in duration, or as long as the contract for RPS-eligible energy, whichever is shorter.” (page 50)</p> <p>The Decision agrees with TURN and rejects the utility positions on the definition of “incremental electricity.” Specifically, the Decision concludes that “The absence of any textual connection between the phrase “incremental electricity” and the June 1, 2010 date renders the utilities’ proposed reading unconvincing.” (page 48)</p>	
<p>7. PRODUCT DEFINITIONS / GRANDFATHERING DATE FOR ELECTRIC SERVICE PROVIDERS</p> <p>TURN argued against proposals by the Electric Service Providers (ESPs) to grandfather any contract executed prior to January 13, 2011. TURN argued that the June 1, 2010 date was binding and “there is nothing in the statutory language suggesting that the Commission should adopt different rules for ESPs or defer to the grandfathering provisions of D.11-01-025, and no basis for the Commission selectively enforcing a requirement</p>	<p><u>D.11-12-052</u></p> <p>The Decision agrees with TURN and rejects the proposal by AREM to allow any contract executed by an Electric Service Provider prior to January 13, 2011 to be grandfathered and not subject to the portfolio content classifications. The Decision agrees that the June 1, 2010 date applies to all retail sellers. (pages 60-62)</p>	

<p>that applies to all retail sellers.”</p> <p><u>Reply comments of TURN on the Implementation of New Portfolio Content Categories for the RPS program, August 19, 2011, pages 11-12.</u></p>		
<p>8. COMPLIANCE / CONCERNS ABOUT GAMING OF THE 20% PROGRAM CLOSING REPORT</p> <p>TURN expressed serious concerns about the potential for retail sellers to delay the retirement of RECs associated with pre-2011 procurement, take advantage of the 14% safe harbor and apply those RECs to the 2011-2013 compliance period. TURN highlighted a scenario in which substantial amounts of procurement for 2008-2010 could be shifted into 2011 simply by delaying the retirement of the associated RECs until the end of their 36-month life. TURN urged the Commission to prevent any such manipulation of the closing reports.</p> <p><u>Opening comments of TURN and CUE on the Proposed Decision of ALJ Simon Setting Compliance Rules for the RPS program, May 14, 2012, pages 5-7</u></p>	<p><u>D.12-06-038</u></p> <p>In response to concerns raised by TURN about potential gaming of the 20% closing reports, the final Decision modifies the Proposed Decision (see page 85) by including additional language clarifying that “each retail seller must retire for RPS compliance in the Western Renewable Energy Generation Information System (WREGIS) all RECs associated with RPS-eligible generation prior to 2011 and available for RPS compliance years 2008, 2009, and 2010, up to the full amount of its APT obligation in each year.” (page 17) The Decision acknowledges TURN’s concern by explaining that “without the retirement for RPS compliance of all available RECs up to the APT amount, some retail sellers could in effect create a quasi-deferral process, by which they maintain the future compliance value of RECs not currently committed to RPS compliance under the prior program. But, because the closing report process requires the present determination of all prior APT deficits, such a quasi-deferral should not be permitted.” (page 17)</p>	
<p>9. COMPLIANCE / 14% SAFE HARBOR PROVISION</p> <p>TURN argued that deficits through 2010 associated with the 20% RPS program should be waived, pursuant</p>	<p><u>D.12-06-038</u></p> <p>The Decision agrees with TURN that the waiver in §399.15(a) requires a retail seller to demonstrate at least 14% of</p>	

to §399.15(a), if the retail seller procured at least 14% of retail sales from eligibility renewable energy resources in 2010. TURN asserted the calculation of 14% must be based on actual procurement in that year and may not include deferrals, earmarking, or the application of banked excesses from prior years. TURN specifically opposed proposals by several parties to allow banked procurement to count towards determining whether a retail seller met the 14% safe harbor trigger in 2010. TURN argued that any retail seller meeting this standard should have all cumulative deficits through 2010 erased.

Opening comments of TURN and CUE on the ALJ's ruling requesting comments on new procurement targets, August 30, 2011, page 3

Reply comments of TURN and CUE on the ALJ's ruling requesting comments on new procurement targets, September 12, 2011, page 13

Reply comments of TURN and CUE on the Proposed Decision of ALJ Simon Setting Compliance Rules for the RPS program, May 21, 2012, page 3

TURN opposed proposals by Pacificorp and AReM that the safe harbor provision in §399.15(a) effectively resets the annual procurement target for 2010 and allows any procurement in excess of 14% in that year to be deemed surplus and eligible for being applied to future targets. TURN explained that these proposals were contrary to the words of the statute and would seriously

actual retail sales in 2010 and rejects proposals to add banked RPS procurement from prior years to meet this threshold. The Decision notes "TURN argues that there is no indication that SB 2 (1X) intended to allow the use of banked procurement for this purpose. It is reasonable to interpret the legislative language as requiring that a retail seller at least have enough in 2010 current RPS procurement to approach its APT obligation in 2010, in order to use the safe harbor. It is therefore not reasonable to include procurement from prior years that was banked for future RPS compliance in the "14% of retail sales in 2010" required for the safe harbor." (page 23)

The Decision rejected the proposal to reset the 2010 procurement target to 14%, noting that "as TURN/CUE points out, this reading would in effect negate the significance of both the safe harbor and the 14% requirement for attaining it. AReM offers no support from the statutory language for its proposal, which we decline to adopt." (page 23, footnote 40)

<p>degrade the impact of the targets adopted as part of the 33% RPS program.</p> <p><u>Reply comments of TURN and CUE on the Proposed Decision of ALJ Simon Setting Compliance Rules for the RPS program, May 21, 2012, pages 14-15</u></p>		
<p>10. COMPLIANCE / LONG-TERM CONTRACTING REQUIREMENT</p> <p>TURN argued that the long-term contracting requirement in §399.13(b) should be modified from an annual to a multi-year obligation to reflect the switch to multi-year compliance targets under the 33% RPS program. TURN explained that the requirement should “comprise a percentage of the total compliance obligation for the entire multi-year period rather than based on retail sales in a given year.”</p> <p><u>Opening comments of TURN and CUE on the ALJ’s ruling requesting comments on new procurement targets, August 30, 2011, page 6</u></p>	<p><u>D.12-06-038</u></p> <p>The Decision agrees with TURN and notes that applying the long-term contracting requirement to total procurement over the entire multi-year compliance period, rather than each individual year “is sensible and consistent with both the new and prior statutory compliance frameworks, and is adopted.” (page 38, see also footnote 55)</p>	
<p>11. COMPLIANCE / CONSEQUENCES OF FAILING TO MEET PORTFOLIO CONTENT REQUIREMENTS</p> <p>TURN argued that the portfolio content limitations in §399.16(c) represent an independent compliance obligation that cannot be satisfied merely through a demonstration that total procurement quantities are sufficient to meet the targets established pursuant to §399.15(b). For purposes of enforcing this obligation, TURN recommended that any retail seller failing to procure sufficient quantities pursuant to §399.16(c)</p>	<p><u>D.12-06-038</u></p> <p>Although the Decision does not adopt the specific enforcement mechanism proposed by TURN, it does agree with TURN that the compliance obligations in §399.16 are independent and that “a shortfall in meeting the portfolio balance requirement for procurement meeting the criteria of Section 399.16(b)(1) is a failure to comply with an RPS compliance obligation, subject to enforcement action, but that such a shortfall should be determined independent of any failure to meet the procurement quantity requirement set by D.11-02-020.” (page 58)</p>	

<p>should only receive credit for total procurement quantities under §399.15(b) that are consistent with the amounts procured pursuant to §399.16(c).</p> <p><u>Opening Comments of TURN on the Administrative Law Judge’s Ruling Requesting Supplemental Comments on Reporting and Compliance Requirements on the RPS Program, February 10, 2012, pages 5-6</u></p> <p><u>Reply Comments of TURN on the Administrative Law Judge’s Ruling Requesting Supplemental Comments on Reporting and Compliance Requirements on the RPS Program, February 21, 2012, pages 1-4</u></p>		
<p>12. COMPLIANCE / LIMITS ON BANKING EXCESS PROCUREMENT</p> <p>TURN urged the Commission to reject two proposals by PG&E relating to the banking of excess procurement of category 2 and 3 products. First, TURN opposed PG&E’s proposal to allow a retail seller to apply any procurement in excess of the limits for Category 2 and 3 products to a future compliance period. TURN argued that PG&E’s proposal would violate the statutory prohibition on banking excess procurement of short-term contracts and Category 3 products. Second, TURN argued that PG&E should not be allowed to credit procurement in excess of the applicable category limitation towards the overall compliance period target because this approach violates the statutory prohibition.</p>	<p><u>D.12-06-038</u></p> <p>The Decision agrees with TURN and rejects both proposals submitted by PG&E. With respect to the first proposal, the Decision notes TURN’s opposition and concludes that “PG&E’s proposal is not consistent with the statutory language.... This proposal simply reads out of the statute the direction that “in no event” should procurement meeting the criteria of Section 399.16(b)(3) be counted as excess.”(pages 63-64)</p> <p>With respect to the second proposal, the Decision explains that “TURN opposes PG&E’s proposal, asserting that the result would be to circumvent the portfolio balance requirements in the initial compliance period. TURN correctly identifies the effect of the PG&E proposal, and we decline to adopt it.” (page 67)</p>	

<p><u>Reply Comments of TURN on the Administrative Law Judge’s Ruling Requesting Supplemental Comments on Reporting and Compliance Requirements on the RPS Program, February 21, 2012, pages 2-3</u></p>		
<p>13. COMPLIANCE / ELIGIBILITY OF BEAR VALLEY ELECTRIC SYSTEM UNDER §399.17</p> <p>In its opening comments, Bear Valley asserted that it was entitled to special compliance treatment pursuant to §399.17. TURN was the sole party to argue that Bear Valley Electric System fails the statutory test under §399.17 because it does not serve any retail customers located outside of California and is located within the California ISO balancing area authority.</p> <p><u>Reply Comments of TURN on the Administrative Law Judge’s Ruling Requesting Supplemental Comments on Reporting and Compliance Requirements on the RPS Program, February 21, 2012, pages 8-9</u></p>	<p><u>D.12-06-038</u></p> <p>The Decision agrees with TURN and declines to find that Bear Valley is eligible under §399.17. Consistent with TURN’s arguments, the Decision explains “because it is interconnected to CAISO, BVES is not subject to these issues and does not need any adaptation of the excess procurement counting rules.” (page 72, footnote 93)</p>	
<p>14. COMPLIANCE / REQUESTS FOR WAIVER OF PORTFOLIO COTENT REQUIREMENTS</p> <p>TURN urged the Commission to authorize retail sellers to request either an enforcement waiver of the overall procurement obligations or a reduction to the portfolio content requirements after the conclusion of a compliance period. TURN argued that both opportunities should occur at the end of a compliance period and serve as the basis for a waiver in the event that the Commission concludes that overall</p>	<p><u>D.12-06-038</u></p> <p>The Decision agreed with TURN that any request for a waiver of enforcement of procurement quantity requirements should be made after the close of the compliance period for which the waiver is requested. The Commission found that “the fair and efficient administration of the RPS program would be compromised if retail sellers were allowed to make waiver requests at their discretion.” (pages 80-81) The Decision further agreed with TURN that the same process should be applied to any request for a reduction</p>	

<p>compliance (including failure to satisfy the product category limitations) was not possible due to factors beyond the control of the retail seller.</p> <p>TURN opposed proposals by several parties (SCE, PG&E and MEA) to allow a retail seller to submit a waiver request at any time during the compliance period. TURN explained that these proposals would result in advance requests from practically every retail seller, would lead to regulatory uncertainty and would consume substantial amounts of Commission and intervenor resources.</p> <p><u>Opening Comments of TURN on the Administrative Law Judge’s Ruling Requesting Supplemental Comments on Reporting and Compliance Requirements on the RPS Program, February 10, 2012, pages 3-5</u></p> <p><u>Reply Comments of TURN on the Administrative Law Judge’s Ruling Requesting Supplemental Comments on Reporting and Compliance Requirements on the RPS Program, February 21, 2012, pages 4-6.</u></p>	<p>in the portfolio balance requirement. (page 83)</p>	
<p>15. FEED IN TARIFF PRICING / TECHNOLOGY SPECIFIC PRICING</p> <p>TURN provided policy analysis against technology-specific pricing and statutory analysis showing that technology-specific pricing was inconsistent with the language and intent of §399.20.</p> <p><u>TURN/CUE Joint Opening Comments, July 21, 2011, Sec. II, p. 4-6.</u></p>	<p><u>D.12-05-035, Sec. 4.5, 5.3 and 12.4.</u></p> <p>The Commission agreed with TURN that “the plan language of §399.20 neither directs nor suggests that technology-specific costs be included in a FiT program price methodology.” (page 34)</p> <p>The Commission also agreed that technology-specific pricing is not desirable as a matter of policy and would raise ratepayer costs. (pages 33-35.)</p>	

<p><u>TURN Reply Comments, Aug. 26, 2011, Sec. III.</u></p> <p><u>TURN Reply Comments on Staff Proposal, November 14, 2011, Sec. 1.1, p. 4-5.</u></p>		
<p>16. FEED IN TARIFF PRICING / ENVIRONMENTAL ADDERS</p> <p>TURN provided analysis showing that the Market Price Referent already includes all relevant environmental costs, and that various other “environmental adders” do not reflect costs avoidable by ratepayers.</p> <p><u>TURN Opening Brief, March 7, 2011, p. 2-3.</u></p> <p><u>TURN Reply Brief, March 22, 2011, Sec. 2.2.</u></p>	<p><u>D.12-05-035, Sec. 4.4, 5.2, 6.7</u></p> <p>The Commission agreed that such adders are inconsistent with utility avoided costs since they are either already included in market prices or do not reflect costs avoidable by ratepayers. (pages 32-33)</p>	
<p>17. FEED IN TARIFF PRICING / LOCATIONAL ADDER</p> <p>Many parties promoted the use of a locational adder to the FiT price, and the Staff Proposal proposed using a locational adder for projects in “hot zones.”</p> <p>TURN provided technical analyses showing that such adders were unsubstantiated by the factual record and there was no assurance of actual avoided ratepayer costs. TURN provided analyses based on CSI impact evaluation results showing that any locational benefits on residential circuits may be small due to the noncoincidence of solar output and circuit peak, and that a general adder violated Commission policies concerning the locational benefits of DG.</p>	<p><u>D.12-05-035, Sec. 4.4 and 5.6.</u></p> <p>The Commission rejected the use of any locational adder due to distribution or transmission benefits.</p> <p>The Commission agreed that a locational adder is “inconsistent with existing law” and that “additional scrutiny is needed before the Commission adopts a location adder.” (page 38)</p>	

<p><u>TURN Reply Brief, R.08-08-009, March 22, 2011, Sec. 3.2</u></p> <p><u>TURN Reply Comments, Aug. 26, 2011, Sec. II.</u></p> <p><u>TURN Opening Comments on Staff Proposal, Nov. 2, 2011, Sec. 1.4.</u></p> <p><u>TURN Reply Comments on Staff Proposal, November 14, 2011, Sec. 2, p. 6-11.</u></p>		
<p>18. FEED IN TARIFF PRICING / TRANSMISSION LOCATIONAL ADDER</p> <p>TURN strongly opposed the staff proposal to provide an avoided transmission cost adder based on RAM contracts as entirely unconnected to avoidable ratepayer costs.</p> <p><u>TURN Opening Comments on Staff Proposal, Nov. 2, 2011, Sec. 1.3.</u></p> <p><u>TURN Reply Comments on Staff Proposal, November 14, 2011, Sec. 3, p. 11-12.</u></p>	<p><u>D.12-05-035, Sec. 5.6</u></p> <p>The Commission agreed 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.” (page 37)</p>	<p>FiT Price - Locational Adder</p>
<p>19. FEED IN TARIFF ELIGIBILITY / PROJECT SIZE AND DAISY CHAINING</p> <p>TURN was the principal party to raise concerns regarding daisy chaining of projects to evade size eligibility rules.</p> <p><u>TURN/CUE Opening Comments, July 21, 2011, Sec. IV, p. 7-8.</u></p> <p><u>TURN Opening Comments on Staff Proposal, Nov. 2, 2011, Sec. 3, p. 8-9.</u></p>	<p><u>D.12-05-035, Sec. 8</u></p> <p>The Commission adopted TURN’s proposal for a “seller representation” provision in the standard FiT contract. (page 66.)</p>	
<p>20. FEED IN TARIFF POLICY / PROGRAM OVERLAP</p> <p>TURN recommended against adopting eligibility provisions that allow</p>	<p><u>D.12-05-035, Sec. 9.</u></p> <p>The Commission agreed with TURN’s concerns about gaming and modified the terms of the RAM program and</p>	

generators to bid into more than one program. <u>TURN Reply Brief, March 22, 2011, Sec. 7, p. 20.</u>	adopted the proposal by TURN and SCE to amend the size eligibility for the RAM program to prevent overlap. (page 68.)	
21. FEED IN TARIFF POLICY / PROGRAM CAP TURN argued against recommendations to increase the cap beyond 750 MW as a matter of statutory interpretation based on the plain language of § 399.20(f) and the characteristics of a must-take contract. <u>TURN Reply Comments on Staff Proposal, November 14, 2011, Sec. 4.1 and 4.2, p. 12-14.</u>	<u>D.12-05-035, Sec. 12.</u> The Commission agreed with TURN’s legal analysis that “the Legislature created a specific program under §399.20 limited to 750 MW and this program is, notably, a must-take obligation by utilities and the renewable generation procured under this program has cost implications for ratepayers.” (page 75)	
22. FEED IN TARIFF POLICY / INCENTIVE REFUND TURN proposed a tiered refund system tied to time of operation, based on the principle that less repayment necessary with longer operation period. <u>TURN Opening Brief, March 7, 2011, p. 7-9.</u> <u>TURN/CUE Opening Comments, July 21, 2011, Sec. V.</u> <u>TURN Comments on PD, April 9, 2012, p. 5-6.</u>	<u>D.12-05-035, Sec. 21</u> The Commission adopted PG&E’s simplified proposal that defers eligibility for any project that received incentives for a period of ten years. (page 101) The Commission specifically adopted TURN’s proposed modification to the original PD to require a project to be online “and operational” for at least ten years. (Compare PD and Final Decision, Sec. 21.)	

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

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	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	

<p>c. If so, provide name of other parties:</p> <p>Coalition of California Utility Employees, The Union of Concerned Scientists, The Green Power Institute, EnXco, First Solar, Solar Alliance, Large-Scale Solar Association.</p>	
<p>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:</p> <p>Due to the complexity of the issues presented by this rulemaking, TURN worked closely with a broad group of intervenors and the utilities to develop a matrix of common issues at the outset of the proceeding. This matrix was the result of several meetings and extensive coordination prior to the filing of comments. The matrix highlighted areas of consensus and disagreement. Moreover, it provided a template for discussion over the portfolio content categories. The matrix was attached to a May 31st joint filing by CUE, DRA, enXco, First Solar, Iberdrola, IEP, LSA, NextEra, PG&E, SDG&E, SCE, TURN, and UCS (see D.11-12-052, footnote 5). This effort resulted in substantial savings of time and effort for all parties.</p> <p>TURN took great pains to avoid duplication with other like-minded intervenors by avoiding devoting time to issues that were comprehensively addressed by other intervenors. Over the course of the proceeding, TURN coordinated extensively with the Coalition of California Utility Employees and prepared several joint filings. TURN also coordinated with the Union of Concerned Scientists on the development of joint criteria relating to “firmed and shaped” renewable resources. TURN did not coordinate on joint filings with DRA because there was significant disagreement between these two intervenors on a number of key implementation issues. Where TURN and DRA agreed, there was minimal overlap and distinct showings made by both parties.</p> <p>Because this case involved so many parties and filing deadlines were often very compressed (with turnaround times of 1-2 weeks between opening and reply filings), it was extremely difficult to engage in extensive coordination. Even with these constraints, TURN did everything possible to avoid duplicating any efforts made by those parties and to make a unique contribution on the issues it addressed.</p>	

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

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#	Claimant	CPUC	Comment
1	TURN		TURN includes in this request some hours related to the implementation of the SB 32 Feed-in Tariff that were originally incurred during R.08-08-009. When the Commission initiated the current proceeding, it indicated that this OIR “is a continuation of R.08-08-009” and explained that the new docket “is substantially similar to the continuation of a phased proceeding.” (OIR, page 20) The record from R.08-08-009 was transferred to R.11-05-005 and used, in part, as the basis for decisions covered by this request for compensation.

TURN submits that it is fully reasonable to include these hours (coded as "R08-08-009/FIT") in this request. If the Commission seeks additional information on the relevance of these hours to this request, TURN would be happy to augment the record as needed.

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

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

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<p>a. 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)</p> <p>As demonstrated in the substantial contribution section, TURN prevailed on a wide range and number of issues in four separate decisions. Since the rulemaking did not address specific requests for cost recovery by Investor Owned Utilities, none of the decisions identified in this request include authorization to recover any particular revenue requirements. Therefore, it is not possible to calculate a precise amount of ratepayer savings that will be realized through TURN's involvement.</p> <p>Meeting the California RPS program targets requires billions of dollars of power purchase commitments by the IOUs. TURN's involvement was focused on ensuring that these commitments provide the highest value to ratepayers and the state of California. TURN's also focused on ensuring that the utilities rely upon the least expensive methods of procurement for purposes of implementing the Feed-in Tariffs (by rejecting pricing adders to reflect location or supposed environmental benefits). Given the magnitude of costs at stake under the RPS and FIT programs, the benefits produced by TURN's substantial contributions far exceed (by orders of magnitude) the small cost of TURN's participation in the proceeding. TURN's claim should therefore be found to be reasonable.</p>	<p>CPUC Verified</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>Given the level of success achieved by TURN in this proceeding across a range of issues, the amount of time devoted by staff and consultants is fully reasonable. TURN did not retain any outside consultants to assist with this case and devoted the minimum number of hours needed to review the OIR, respond to questions distributed by the ALJ, and review the draft proposals circulated for comment. TURN did not conduct discovery or perform significant amounts of independent research. TURN's pleadings were highly substantive given the amount of time devoted to the task.</p> <p>TURN's two attorneys were Matthew Freedman and Marcel Hawiger. Mr. Freedman was the lead attorney on procurement targets, portfolio</p>	

content categories and compliance issues. Mr. Hawiger was the lead attorney on Feed-in Tariff issues although Mr. Freedman also helped with some of the filings.

The legal and policy issues addressed in this proceeding were extremely complex and, in some instances, required significant amounts of time by TURN's attorneys. Moreover, the large number of active parties meant that TURN's attorneys needed to review substantial volumes of pleadings associated with every round of comments submitted.

Given the numerous substantial contributions resulting from TURN's intervention across four separate decisions, the Commission should find that the number of hours claimed is fully reasonable.

c. Allocation of Hours by Issue

TURN has allocated all of our attorney time by issue area or activity, as evident on our attached timesheets. The following codes relate to specific substantive issue and activity areas addressed by TURN. TURN also provides an approximate breakdown of the number of hours spent on each task and the percentage of total hours devoted to each category (note that the numbers do not equal 100% due to rounding).

GP – 22 hours – 9% of total

General Participation work essential to participation that typically spans multiple issues and/or would not vary with the number of issues that TURN addresses. This includes reading the OIR, Commission rulings, participating in prehearing conferences, attendance at workshops, and reviewing pleadings submitted by other parties.

Targets – 21.25 hours – 8% of total

Includes work relating to multi-year procurement targets adopted in D.11-12-020.

Product Definitions – 71 hours – 28% of total

Includes work on the portfolio content category definitions and limitations established in D.11-12-052.

Feed-in Tariff – 91.25 hours – 36% of total

Includes work on the SB 32 Feed-in Tariff program mechanism that was adopted in D.12-05-035. This category also includes 21.25 hours devoted to the same issues in R.08-08-009. Those issues, and the record from R.08-08-009, were folded into R.11-05-005 and resolved in D.12-05-035.

Compliance – 49.25 hours – 19% of total

Includes work on the RPS program compliance rules adopted in D12-06-038.

Compensation – 14.50 hours

Time spent on the notice of intent to claim compensation and the

preparation of this compensation request. This number of hours is warranted due to the large number of substantial contributions documented in this request.

 TURN attorneys used “%” to describe time devoted to a mix of issues with 1/3 of the hours allocated to Targets and 2/3 of the issues allocated to compliance. These hours have been incorporated to the totals listed above.

B. Specific Claim:

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CLAIMED						CPUC AWARD		
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ATTORNEY, EXPERT, AND ADVOCATE FEES

Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Matthew Freedman	2011	136.75	\$350	D.12-07-019	\$47,862.50			
Matthew Freedman	2012	53.5	\$350	D.12-07-019	\$18,725.00			
Marcel Hawiger	2011	55.5	\$350	D.11-09-037	\$19,425.00			
Marcel Hawiger	2012	9	\$350	D.11-09-037	\$3,150.00			
Subtotal:					\$89,162.50	Subtotal:		

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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 \$
[Person 1]			\$					
[Person 2]								
Subtotal:						Subtotal:		

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INTERVENOR COMPENSATION CLAIM PREPARATION **

Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Matthew Freedman	2011	0.5	\$175	D.12-07-019 (@50%)	\$87.50			
Matthew Freedman	2012	14	\$175	D.12-07-019 (@50%)	\$2,450			
Subtotal:					\$2,537.50	Subtotal:		

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COSTS

#	Item	Detail	Amount	Amount
1	Photocopies	Copies for filings and other proceeding documents	\$213.20	

2	Postage	Mailing costs for pleadings	\$116.00		
			Subtotal:	\$329.20	Subtotal:
			TOTAL REQUEST \$:	\$89,579.20	TOTAL AWARD \$:

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.

**Travel and Reasonable Claim preparation time typically compensated at 1/2 of preparer's normal hourly rate.

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

18	Attachment or Comment #	Description/Comment
	1	Certificate of Service - Filed electronically as a separate document pursuant to Rule 1.13(b)(iii); Served electronically as a separate document pursuant to Rule 1.10(c)
	2	Hours by Attorney and Consultant
	3	Itemization of Expenses

D. CPUC Disallowances, Adjustments, and Comments (CPUC completes):

19	#	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?	
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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))?	
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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 requested hourly rates for Claimant’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 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. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Claimant 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."] 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 75th 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 decision is effective today.

Dated _____, at San Francisco, California.

Attachment 1

Certificate of Service

(Filed electronically as a separate document pursuant to Rule 1.13(b)(iii))

(Served electronically as a separate document pursuant to Rule 1.10(c))

Attachment 2

Hours by Attorney and Consultant

Date	Atty	Task	Description	Time Spent
5/10/2011	Matt Freedman	GP	Review of OIR and development of initial concepts for SBx2 implementation	1.50
5/11/2011	Matt Freedman	GP	Meeting with CPUC Energy Division staff to discuss RPS implementation	0.50
5/13/2011	Matt Freedman	Targets	Meeting with IEP to discuss OIR and implementation issues -- loading order/targets and timetables	1.00
5/24/2011	Matt Freedman	GP	Review of PG&E RPS issues matrix and edits to incorporate TURN phasing proposals	0.75
5/25/2011	Matt Freedman	GP	Meeting with SCE to discuss scoping and phasing issues, Meeting with PG&E and other parties to discuss scoping and phasing issues	1.50
5/26/2011	Matt Freedman	GP	Review of draft joint comments on OIR, edits to document	0.75
5/31/2011	Matt Freedman	GP	Final review of joint comments, initial review of comments filed by various parties	1.25
6/2/2011	Matt Freedman	GP	Meeting with EnXco to discuss RPS implementation issues in OIR	0.25
6/6/2011	Matt Freedman	GP	Review of comments filed by opening parties	2.50
6/6/2011	Matt Freedman	Comp	Drafting of NOI	0.50
6/7/2011	Matt Freedman	GP	Review of comments filed by opening parties, drafting of TURN reply comments	3.50
6/8/2011	Matt Freedman	GP	Drafting of TURN reply comments on OIR phasing issues	2.25
6/13/2011	Matt Freedman	GP	Review of reply comments on OIR issues, conversation with Marcel re: preparations for PHC along with scheduling and scoping concerns	1.25
6/29/2011	Matt Freedman	FIT	Review of ALJ ruling on schedule for SB 32 implementation, research on Feed-in Tariff issues	2.00
7/11/2011	Matt Freedman	FIT	Preparation for, and attendance at, PHC on SB 32 FIT implementation	2.00

Date	Atty	Task	Description	Time Spent
7/12/2011	Matt Freedman	ProdDef	Review of ALJ Simon ruling requesting comments on SBx2 renewable product definitions, discussion with Marc Joseph re: joint TURN-CCUE comments	0.75
7/14/2011	Matt Freedman	GP	Meeting with SCE to discuss possible joint positions on SBx2 implementation issues	1.00
7/18/2011	Matt Freedman	%	Review of ALJ Simon ruling requesting comments on SBx2 procurement targets and compliance rules	1.00
7/20/2011	Matt Freedman	FIT	Review of ALJ ruling on SB 32 implementation, review of previous comments filed in R08-08-009, initial drafting of TURN opening comments	3.50
7/21/2011	Matt Freedman	FIT	Drafting of FIT implementation opening comments, research on past CPUC decisions, review of opening comments filed by other parties	4.50
7/28/2011	Matt Freedman	ProdDef	Preparation for, and attendance at, meeting with IOUs, DRA, generators and other parties re: comments on SBx2 implementation of Section 399.16 definitions	6.50
8/2/2011	Matt Freedman	ProdDef	Review of PG&E draft summary of SBx2 product definitions for common reference exhibit	0.75
8/5/2011	Matt Freedman	ProdDef	Initial drafting of omments on procurement content categories	2.50
8/8/2011	Matt Freedman	ProdDef	Drafting of comments on procurement content categories (SBx2 implementation)	4.50
8/14/2011	Matt Freedman	ProdDef	Review of opening comments on procurement content categories	1.25
8/17/2011	Matt Freedman	ProdDef	Review of opening comments on procurement content categories	1.25
8/18/2011	Matt Freedman	ProdDef	Review of opening comments on procurement content categories, drafting of TURN reply comments	5.50
8/19/2011	Matt Freedman	ProdDef	Drafting of TURN reply comments on SBx2 product categories	5.50
8/23/2011	Matt Freedman	FIT	Review of opening comments by various parties on implementation of Section 399.20	2.50
8/24/2011	Matt Freedman	Targets	Meeting with PG&E and other parties to discuss RPS procurement target issues, drafting of TURN/CUE; procurement target opening comments	8.00
8/25/2011	Matt Freedman	%	Drafting of TURN/CUE opening comments on RPS procurement targets	6.50

Date	Atty	Task	Description	Time Spent
8/26/2011	Matt Freedman	FIT	Drafting of TURN reply comments on Section 399.20 implementation	5.50
9/8/2011	Matt Freedman	%	Review of opening comments filed by various parties on RPS procurement targets	4.50
9/9/2011	Matt Freedman	%	Drafting of TURN/CUE reply comments on RPS procurement targets	6.50
9/10/2011	Matt Freedman	%	Drafting of TURN/CUE reply comments on RPS procurement targets	3.50
9/12/2011	Matt Freedman	%	Final edits to TURN/CUE reply comments	1.25
9/13/2011	Matt Freedman	ProdDef	Meet w/ Shell (John Leslie and Marcie Millner) and Marcel to discuss biogas, RPS product issues	1.50
9/26/2011	Matt Freedman	FIT	Attendance at CPUC workshop on 399.20 implementation	4.50
10/26/2011	Matt Freedman	FIT	Review of CPUC Staff FIT proposal, meeting with PG&E and other parties to discuss staff FIT proposal issues	1.50
10/27/2011	Matt Freedman	ProdDef	Review of Simon PD on procurement categories, drafting of TURN opening comments	4.50
10/28/2011	Matt Freedman	ProdDef	Review of opening comments on Simon PD (procurement categories)	2.25
10/29/2011	Matt Freedman	ProdDef	Review of opening comments on Simon PD (procurement categories)	2.50
10/30/2011	Matt Freedman	ProdDef	Review of opening comments on Simon PD (procurement categories)	1.50
10/31/2011	Matt Freedman	ProdDef	Review of opening comments on Simon PD (procurement categories), initial drafting of reply comments	2.50
10/31/2011	Matt Freedman	FIT	Discussion with Marcel re: comments on staff FIT proposal	0.50
11/1/2011	Matt Freedman	ProdDef	Drafting of joint TURN/CCUE reply comments on Simon PD	4.25
11/2/2011	Matt Freedman	ProdDef	Review of reply comments submitted by other parties on Simon PD	0.75

Date	Atty	Task	Description	Time Spent
11/2/2011	Matt Freedman	FIT	Edits and review of TURN opening comments on staff FIT proposal, review of opening comments submitted by other parties	2.25
11/3/2011	Matt Freedman	ProdDef	Ex-parte conversation with Scott Murtishaw re: RPS procurement buckets PD, drafting of ex-parte notice	0.75
11/10/2011	Matt Freedman	FIT	Conversation with Marcel re: TURN reply comments on SB 32/FIT issues	0.50
11/14/2011	Matt Freedman	FIT	Review/edits to TURN reply comments on SB 32/FIT issues	1.00
11/15/2011	Matt Freedman	Targets	Review of Simon PD on procurement targets, drafting of TURN/CUE opening comments	1.25
11/17/2011	Matt Freedman	Targets	Review of opening comments on Simon PD	1.75
11/22/2011	Matt Freedman	Targets	Review of opening comments filed by other parties on Simon PD	1.50
12/7/2011	Matt Freedman	ProdDef	Ex-Parte meetings with Scott Murtishaw, Sara Kamins re: Simon PD; Drafting of ex-parte notices	3.00
12/13/2011	Matt Freedman	ProdDef	Review of revised Simon PD and analysis of material changes	0.75
1/3/2012	Matt Freedman	ProdDef	Review of Peevey concurrence and final version of D.11-12-052	0.50
1/19/2012	Matt Freedman	ProdDef	Review of SCE application for rehearing of D.11-12-052	0.50
1/25/2012	Matt Freedman	Compliance	Meeting with Energy Division staff re: RPS compliance and banking issues	1.00
2/2/2012	Matt Freedman	ProdDef	Initial drafting of TURN response to SCE application for rehearing of D.11-12-052	2.50
2/3/2012	Matt Freedman	ProdDef	Edits and drafting of TURN response to SCE application for rehearing of D.11-12-052	2.00
2/3/2012	Matt Freedman	ProdDef	Review of Cowlitz application for rehearing of D.11-12-052, legal research and drafting of TURN response	4.50
2/5/2012	Matt Freedman	ProdDef	Drafting of TURN response to Cowlitz application for rehearing	2.50

Date	Atty	Task	Description	Time Spent
2/6/2012	Matt Freedman	ProdDef	Final drafting of TURN response to Cowlitz application for rehearing	3.00
2/9/2012	Matt Freedman	Compliance	Drafting of TURN supplemental comments on RPS compliance issues	4.25
2/20/2012	Matt Freedman	Compliance	Review of opening comments on ALJ supplemental ruling re: compliance	2.25
2/21/2012	Matt Freedman	Compliance	Drafting of TURN reply comments on supplemental compliance issues	5.00
3/1/2012	Matt Freedman	Compliance	Review and analysis of IOU/ESP RPS compliance reports	1.50
3/2/2012	Matt Freedman	Compliance	Review of ESP RPS progress reports and identification of confidentiality issues (overredactions)	1.25
3/9/2012	Matt Freedman	Compliance	Meeting with CPUC ED staff to discuss ESP RPS Progress reports, excessive redactions, and potential modifications	0.75
4/6/2012	Matt Freedman	FIT	Review of PD on SB 32/FIT implementation	1.75
4/9/2012	Matt Freedman	FIT	Drafting TURN opening comments on FIT PD -- queue clogging and product allocation issues	1.25
4/17/2012	Matt Freedman	FIT	Meet with Marcel to discuss FIT PD	0.25
4/24/2012	Matt Freedman	Compliance	Review and analysis of PD on RPS compliance issues	1.00
5/8/2012	Matt Freedman	Compliance	Discussion with Kirstin Burford (LSA) re: ALJ Simon PD and banking of RECs	0.25
5/8/2012	Matt Freedman	Compliance	Discussion with Marc Joseph (CCUE) re: joint TURN/CCUE comments on ALJ Simon PD	0.50
5/9/2012	Matt Freedman	Compliance	Discussion with Sean Simon (CPUC ED) re: RPS compliance PD issues	0.25
5/10/2012	Matt Freedman	Compliance	Review of ALJ Simon PD and drafting of TURN/CUE opening comments	1.50
5/12/2012	Matt Freedman	Compliance	Drafting of TURN/CUE opening comments on ALJ Simon PD	3.50

Date	Atty	Task	Description	Time Spent
5/13/2012	Matt Freedman	Compliance	Drafting of TURN/CUE opening comments on ALJ Simon PD	3.50
5/19/2012	Matt Freedman	Compliance	Drafting of TURN/CUE reply comments on Simon PD (compliance)	3.25
5/20/2012	Matt Freedman	Compliance	Review of reply comments on Simon PD submitted by other parties	0.75
6/4/2012	Matt Freedman	Compliance	Preparation for ex-parte meetings on RPS compliance PD	1.00
6/4/2012	Matt Freedman	Compliance	Ex Parte meeting with Matthew Tisdale in Commissioner Florio's office re: RPS compliance PD	0.75
6/4/2012	Matt Freedman	Compliance	Ex Parte meeting with Sara Kamins in Commissioner Ferron's office re: RPS compliance PD	0.75
6/5/2012	Matt Freedman	GP	Drafting of ex-parte notices	0.75
6/14/2012	Matt Freedman	Compliance	Discussion with Matthew Tisdale (Florio advisor) re: RPS compliance PD	0.25
6/17/2012	Matt Freedman	GP	Drafting of ex-parte notice for Tisdale meeting	0.25
6/17/2012	Matt Freedman	Compliance	Review of revisions to PD	0.50
8/20/2012	Matt Freedman	comp	Preparation of compensation request	2.50
8/21/2012	Matt Freedman	comp	Preparation of compensation request	3.50
8/22/2012	Matt Freedman	comp	Preparation of compensation request	2.00
8/23/2012	Matt Freedman	comp	Preparation of compensation request	2.00
8/24/2012	Matt Freedman	comp	Preparation of compensation request	4.00
Total: Matt Freedman				204.75

Date	Atty	Task	Description	Time Spent
2/15/2011	Marcel Hawiger	R08-08-009 / FIT	Skim ALJ Ruling setting schedule for briefs on SB 32	0.50
3/2/2011	Marcel Hawiger	R08-08-009 / FIT	Review CalSEIA report on pricing under SB 32 from July 2010	0.50
3/3/2011	Marcel Hawiger	R08-08-009 / FIT	Draft opening brief - price and indifference	1.50
3/4/2011	Marcel Hawiger	R08-08-009 / FIT	Draft opening brief - price, indifference, locational benefit	1.75
3/7/2011	Marcel Hawiger	R08-08-009 / FIT	Draft opening brief - locational benefits, incentive payback	3.75
3/15/2011	Marcel Hawiger	R08-08-009 / FIT	Skim through about 10 opening briefs to identify main issues and parties	1.00
3/16/2011	Marcel Hawiger	R08-08-009 / FIT	Read opening brief of CalSEIA	0.50
3/18/2011	Marcel Hawiger	R08-08-009 / FIT	Read portions of opening brief of SCE and pge	0.50
3/18/2011	Marcel Hawiger	R08-08-009 / FIT	Write reply to brief to CalSEIA re price, locational benefits, other adders	3.25
3/21/2011	Marcel Hawiger	R08-08-009 / FIT	Write Reply Brief to Solar Alliance re line loss, T&D	2.00
3/21/2011	Marcel Hawiger	R08-08-009 / FIT	Write reply brief re locational benefits, reply to SCE	0.50
3/22/2011	Marcel Hawiger	R08-08-009 / FIT	Reply brief - read brief of clean coalition; read ch. 6 of CSI 2009 Evaluation Report; write re line loss, avoided T&D capacity, other issues	5.50
6/10/2011	Marcel Hawiger	GP	Read TURN reply comments on OIR re phasing	0.25
6/13/2011	Marcel Hawiger	GP	Attend PHC	1.25
6/13/2011	Marcel Hawiger	GP	Prep for PHC - Read OIR; Read ALJ Ruling re prioritizing; Read portions of SBx2; read comments of AREM, Sierra Club, IEP, others	2.50
7/15/2011	Marcel Hawiger	FIT	Read emails re schedule for implementation of 399.20	0.25

Date	Atty	Task	Description	Time Spent
7/20/2011	Marcel Hawiger	FIT	Read June 27 Ruling re implementation of SB 32 and SB 2x	0.50
7/26/2011	Marcel Hawiger	FIT	Read opening comments of Solar Alliance, VSI, IREC, SCE	0.75
8/22/2011	Marcel Hawiger	ProdDef	Read analysis re pipeline biogas from Clean Energy Renewable Fuels in support of OOS biogas	0.50
8/23/2011	Marcel Hawiger	FIT	Read comments of CalSEIA. Write reply to CalSEIA.	1.50
8/25/2011	Marcel Hawiger	FIT	Read SCE reply to SC motion re Rule 21 and SB 32	0.25
9/1/2011	Marcel Hawiger	ProdDef	TC mtg w/ clean energy re biogas and RPS	0.75
9/13/2011	Marcel Hawiger	ProdDef	Mtg w/ Shell energy and TURN to discuss biogas, RPS terms	1.50
10/5/2011	Marcel Hawiger	FIT	Skim staff proposal and materials for Sep. 26 workshops on FiT	0.25
10/6/2011	Marcel Hawiger	FIT	Read E3 proposal for valuing locational T&D benefits	0.25
10/27/2011	Marcel Hawiger	FIT	Review E3 avoided cost methodology presentations	0.50
10/28/2011	Marcel Hawiger	FIT	Read TURN pleading on avoided costs for EE in R.09-11-014 re discount rate	0.25
10/31/2011	Marcel Hawiger	FIT	Review prior comments on FiT price; read revised staff proposal of Oct 13; research on RAM	2.25
11/1/2011	Marcel Hawiger	FIT	Write comments re staff proposal - read E3 materials from workshop; review previous comments	2.75
11/2/2011	Marcel Hawiger	FIT	write comments on staff proposal - research on topics re avoided cost; project sizes and daisy chain; write comments; TC w/ Bill.	5.50
11/8/2011	Marcel Hawiger	FIT	Read SCE comments on staff FIT proposal	0.75
11/9/2011	Marcel Hawiger	FIT	Read comments on Fit Proposal of Sierra Club, CalSEIA, PG&E, TC w/ SCE, TC w/ PG&E, TC w/ Sustainable Conservation,	2.25

Date	Atty	Task	Description	Time Spent
11/10/2011	Marcel Hawiger	FIT	mtg w/ Matt to discuss issues for reply comments	0.50
11/10/2011	Marcel Hawiger	FIT	Emails w/ Clean Coalition re comments on staff proposal	0.25
11/11/2011	Marcel Hawiger	FIT	Reply Comments on Staff proposal - read opening comments of various parties; read previous reply comments (Aug 26) on SB 32 of various parties; read CSI impact report; write reply comments on pricing, locational benefit, program cap, etc.	6.50
11/14/2011	Marcel Hawiger	FIT	Finalize reply comments on Staff Proposal	1.25
12/8/2011	Marcel Hawiger	FIT	Mtg w/ Clean coalition (Tam and Ken Ho) re FIT issues	1.00
4/5/2012	Marcel Hawiger	FIT	Read PD	1.75
4/9/2012	Marcel Hawiger	FIT	Write comments on PD	1.50
4/10/2012	Marcel Hawiger	FIT	Read opening comments of CalSEIA, IREC and PG&E	0.75
4/16/2012	Marcel Hawiger	FIT	Read reply comments of SC, CleanCoalition	0.25
4/17/2012	Marcel Hawiger	FIT	Mtg w/ Matt to discuss comments on FiT PD	0.25
4/30/2012	Marcel Hawiger	FIT	Read comments of IREC and CC re PD	0.75
5/1/2012	Marcel Hawiger	FIT	Prep for all-party (review TURN filed comments on SB 32 implement)	0.50
5/1/2012	Marcel Hawiger	FIT	Read opening comments on PD of CC, SCE	0.75
5/1/2012	Marcel Hawiger	FIT	Attend and present at all party (Ferron, Florio) mtg re FiT PD	2.00
7/10/2012	Marcel Hawiger	FIT	Read CC/Sierra Club AFR of D.12-05-035	0.50
Total: Marcel Hawiger				64.50

Attachment 3

Itemization of Expenses

Date	Activity	Description	Billed
Case #/name: R11-05-005			
8/19/2011	Photocopies	Copies of Reply Comments of The Utility Reform Network on the Implementation of New Portfolio Content Categories for the Renewables Portfolio Standard Program for the Commissioner and ALJ	\$16.00
8/23/2011	Photocopies	Copies of Reply Comments of The Utility Reform Network on the Implementation of New Portfolio Content Categories for the Renewables Portfolio Standard Program for the Commissioner and ALJ	\$17.00
8/29/2011	Photocopies	Reply Comments of The Utility Reform Network on the Administrative Law Judge's Ruling Setting Forth Implementation Proposals for SB 32 and SB2_1X Amendments to Section 399.20	\$6.00
8/30/2011	Photocopies	Opening Comments of The Utility Reform Network and The Coalition of California Utility Employees on the Administrative Law Judge's Ruling Requesting Comments on New Procurement Targets and Certain Compliance Requirements for the Renewables Portfolio Standard Program (35 pp)	\$7.00
9/12/2011	Photocopies	Copies of Reply Comments to ALJs and Commissioner	\$21.00
10/27/2011	Photocopies	Copies of Opening Comments of The Utility Reform Network on the Proposed Decision of ALJ Simon Implementing New Portfolio Content Categories for the Renewables Portfolio Standard Program for the Commissioner and ALJ	\$8.00
11/2/2011	Photocopies	Copies of Opening Comments of The Utility Reform Network on the Staff Feed in Tariff Proposal for Implementing SB 32 and SBx2 for the Commissioner and ALJs	\$14.00
11/4/2011	Photocopies	Copies of Notice of Ex Parte Communication for the Commissioner and ALJs	\$2.00

Date	Activity	Description	Billed
11/14/2011	Photocopies	Copies of Reply Comments of The Utility Reform Network on the Staff Feed in Tariff Proposal for Implementing SB 32 and SBx2 for the Commissioner and ALJs	\$18.00
11/17/2011	Photocopies	Copies of Opening Comments of The Utility Reform Network and The Coalition of California Utility Employees on the Proposed Decision of Administrative Law Judge Simon Setting Procurement Quantity Requirements for Retail Sellers for the Renewables Portfolio Standard Program for the Commissioner and ALJs	\$5.00
12/8/2011	Photocopies	Copies of Notice of Ex Parte Communication for the Commissioner and ALJs	\$6.00
2/3/2012	Photocopies	Copies of Response of The Utility Reform Network to the Application for Rehearing of Decision 11-12-052 by Southern California Edison for the Commissioner and ALJ	\$10.00
2/6/2012	Photocopies	Copies of Response of The Utility Reform Network to the Application for Rehearing of Decision 11-12-052 by Cowlitz Public Utility District for the Commissioner and ALJ	\$14.00
2/10/2012	Photocopies	Copies of Opening Comments of The Utility Reform Network for the Commissioner and ALJ	\$9.00
2/16/2012	Photocopies	Copies of Opening Comments of The Utility Reform Network for the Commissioner and ALJs	\$13.00
2/21/2012	Photocopies	Copies of Reply Comments of The Utility Reform Network on the Administrative Law Judge's Ruling Requesting Supplemental Comments on Reporting and Compliance Requirements on the Renewables Portfolio Standard Program for the Commissioner and ALJ	\$12.00
3/1/2012	Photocopies	Copies of Reply Comments of The Utility Reform Network on the Procurement Expenditure Limitations for the Renewables Portfolio Standard Program for the Commissioner and ALJ	\$8.00

Date	Activity	Description	Billed
4/9/2012	Photocopies	Copies of Opening Comments of The Utility Reform Network on the Proposed Decision Implementing SB 32 and SBx2 for the Commissioner and ALJs	\$4.80
5/14/2012	Photocopies	Copies of Opening Comments of The Utility Reform Network and the Coalition of California Utility Employees on the Proposed Decision of Administrative Law Judge Simon Setting Compliance Rules for the Renewables Portfolio Standard Program for the Commissioner and ALJ	\$8.00
5/21/2012	Photocopies	Copies of Reply Comments of The Utility Reform Network and the Coalition of California Utility Employees on the Proposed Decision of Administrative Law Judge Simon Setting Compliance Rules for the Renewables Portfolio Standard Program for the Commissioner and ALJs	\$4.80
6/7/2012	Photocopies	Copies of Notice of Ex Parte Communication (2 versions: 1 with Tisdale and 1 with Kamins) for the Commissioner and ALJs	\$2.40
6/19/2012	Photocopies	Copies of Notice of Ex Parte Communication for the Commissioner and ALJs	\$1.80
7/18/2012	Photocopies	Copies of Reply Comments of The Utility Reform Network on New Proposals Related to Renewables Portfolio Standard Procurement Plans for the Commissioner and ALJ	\$5.40
Total: \$Copies			\$213.20
8/19/2011	Postage	Postage to mail copies of Reply Comments of The Utility Reform Network on the Implementation of New Portfolio Content Categories for the Renewables Portfolio Standard Program to the Commissioner and ALJ	\$6.40
8/23/2011	Postage	Postage to mail copies of Reply Comments of The Utility Reform Network on the Implementation of New Portfolio Content Categories for the Renewables Portfolio Standard Program to the Commissioner and ALJ	\$6.40

Date	Activity	Description	Billed
8/29/2011	Postage	Reply Comments of The Utility Reform Network on the Administrative Law Judge's Ruling Setting Forth Implementation Proposals for SB 32 and SB2_1X Amendments to Section 399.20	\$5.40
8/31/2011	Postage	Opening Comments of The Utility Reform Network and The Coalition of California Utility Employees on the Administrative Law Judge's Ruling Requesting Comments on New Procurement Targets and Certain Compliance Requirements for the Renewables Portfolio Standard Program (5 X \$1.08)	\$5.40
9/12/2011	Postage	Postage to mail Reply Comments to ALJs and Commissioner	\$6.40
10/27/2011	Postage	Postage to mail copies of Opening Comments of The Utility Reform Network on the Proposed Decision of ALJ Simon Implementing New Portfolio Content Categories for the Renewables Portfolio Standard Program to the Commissioner and ALJ	\$3.20
11/2/2011	Postage	Postage to mail copies of Opening Comments of The Utility Reform Network on the Staff Feed in Tariff Proposal for Implementing SB 32 and SBx2 to the Commissioner and ALJs	\$6.40
11/4/2011	Postage	Postage to mail copies of Notice of Ex Parte Communication to the Commissioner and ALJs	\$2.20
11/14/2011	Postage	Postage to mail copies of Reply Comments of The Utility Reform Network on the Staff Feed in Tariff Proposal for Implementing SB 32 and SBx2 to the Commissioner and ALJs	\$6.40
11/17/2011	Postage	Postage to mail copies of Opening Comments of The Utility Reform Network and The Coalition of California Utility Employees on the Proposed Decision of Administrative Law Judge Simon Setting Procurement Quantity Requirements for Retail Sellers for the Renewables Portfolio Standard Program to the Commissioner and ALJs	\$5.40
12/8/2011	Postage	Postage to mail copies of Notice of Ex Parte Communication to the Commissioner and ALJs	\$8.80

Date	Activity	Description	Billed
2/3/2012	Postage	Postage to mail copies of Response of The Utility Reform Network to the Application for Rehearing of Decision 11-12-052 by Southern California Edison to the Commissioner and ALJ	\$5.50
2/6/2012	Postage	Postage to mail copies of Response of The Utility Reform Network to the Application for Rehearing of Decision 11-12-052 by Cowlitz Public Utility District to the Commissioner and ALJ	\$5.50
2/10/2012	Postage	Postage to mail Opening Comments of The Utility Reform Network to the Commissioner and ALJ	\$5.50
2/16/2012	Postage	Postage to mail copies of Opening Comments of The Utility Reform Network to the Commissioner and ALJs	\$5.50
2/21/2012	Postage	Postage to mail copies of Reply Comments of The Utility Reform Network on the Administrative Law Judge's Ruling Requesting Supplemental Comments on Reporting and Compliance Requirements on the Renewables Portfolio Standard Program to the Commissioner and ALJ	\$5.50
3/1/2012	Postage	Postage to mail copies of Reply Comments of The Utility Reform Network on the Procurement Expenditure Limitations for the Renewables Portfolio Standard Program to the Commissioner and ALJ	\$5.50
4/9/2012	Postage	Postage to mail copies of Opening Comments of The Utility Reform Network on the Proposed Decision Implementing SB 32 and SBx2 to the Commissioner and ALJs	\$3.30
5/14/2012	Postage	Postage to mail copies of Opening Comments of The Utility Reform Network and the Coalition of California Utility Employees on the Proposed Decision of Administrative Law Judge Simon Setting Compliance Rules for the Renewables Portfolio Standard Program to the Commissioner and ALJ	\$2.60

Date	Activity	Description	Billed
5/21/2012	Postage	Postage to mail copies of Reply Comments of The Utility Reform Network and the Coalition of California Utility Employees on the Proposed Decision of Administrative Law Judge Simon Setting Compliance Rules for the Renewables Portfolio Standard Program to the Commissioner and ALJs	\$3.30
6/7/2012	Postage	Postage to mail copies of Notice of Ex Parte Communication (2 versions: 1 with Tisdale and 1 with Kamins) to the Commissioner and ALJs	\$5.40
6/19/2012	Postage	Postage to mail copies of Notice of Ex Parte Communication to the Commissioner and ALJs	\$2.70
7/18/2012	Postage	Postage to mail copies of Reply Comments of The Utility Reform Network on New Proposals Related to Renewables Portfolio Standard Procurement Plans to the Commissioner and ALJ	\$3.30
Total: \$Postage			\$116.00
Total: R11-05-005			\$381.20
Grand Total			\$381.20
