

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.	Rulemaking 12-03-014 (Filed March 22, 2012)
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**INTERVENOR COMPENSATION CLAIM OF THE VOTE SOLAR INITIATIVE
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF THE VOTE
SOLAR INITIAIVE**

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Claimant: The Vote Solar Initiative (Vote Solar)	For contribution to: D.13-02-015
Claimed (\$): 41,536.84	Awarded (\$):
Assigned Commissioner: Michel Peter Florio	Assigned ALJ: David M. Gamson
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: 03/13/2013	Printed Name: Kelly M. Foley

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

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A. Brief Description of Decision:	As stated on page 2, the decision authorizes Southern California Edison Company (SCE) to procure between 1400 and 1800 Megawatts (MW) of electrical capacity in the West Los Angeles sub-area of the Los Angeles (LA) basin local reliability area to meet long-term local capacity requirements (LCRs) by 2021. SCE is also authorized to procure between 215 and 290 MW of the Moorpark sub-area of the Big Creek/Ventura local reliability area. The LCRs require resources be located in a specific transmission-constrained area in order to ensure adequate available electrical capacity to meet peak demand, and ensure the safety and reliability of the local electrical grid.
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	For the defined portion of the LA basin local area, at least 1000 MW, but no more than 1200 MW of this capacity must be procured from conventional gas-fired resources. At least 50 MW must be procured from energy storage resources. At least 150 MW of capacity must be procured through preferred resources consistent with the Loading Order in the Energy Action Plan, or energy storage resources. SCE is also authorized to procure up to an additional 600 MW of capacity from preferred resources and/or energy storage resources. In addition, SCE will continue to obtain resources which can be used in these local reliability areas through processes defined in energy efficiency, demand response, renewables portfolio standard, energy storage and other relevant dockets.
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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:	04/18/2012	
	2. Other Specified Date for NOI:		
	3. Date NOI Filed:	05/16/2012	
	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:	R.10-05-006	
	6. Date of ALJ ruling:	March 3, 2011	
	7. Based on another CPUC determination (specify):		
	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:	R.12-06-013	
	10. Date of ALJ ruling:	02/25/2013	
	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.13-02-015	
14. Date of Issuance of Final Order or Decision:	02/13/2013	
15. File date of compensation request:	03/13/2013	
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

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
Vote Solar submitted the following substantive documents: 06/25/2012 Prepared Direct Testimony 07/26/2012 Reply Testimony 08/03/2012 Response to Motion 09/07/2012 All Source RFO Proposal 09/24/2012 Opening Brief 10/9/2012 Comments on Workshop 11/06/2012 Response to Motion 01/14/2013 Opening Comments on PD 01/21/2013 Reply Comments on PD		
1. EE, CHP and DG can be helpful in reducing overall net demand, but they are not likely as effective in reducing LCR needs as repowered gas-fired resources.	Vote Solar emphasized the importance of addressing “operational differences between CT and DG performance” <i>Vote Solar’s All Source RFO Proposal</i> , p. 12. <i>D.13-02-015</i> , Finding of Fact 13.	

<p>2. CAISO’s Environmentally Constrained scenario sensitivity analysis demonstrates that uncommitted EE, CHP and DG significantly reduce LCR needs for the LA basin local reliability area compared to other CAISO scenarios.</p>	<p>Vote Solar argued that the CAISO’s Environmentally Constrained scenario is “a more reasonable and prudent high end LCR need boundary” than CAISO’s Trajectory scenario. <i>Vote Solar Opening Brief</i>, p. 4. <i>D.13-02-015</i>, Finding of Fact 13.</p>	
<p>3. More uncommitted EE, CHP and DG will be available than forecasted in the CAISO’s Trajectory scenarios.</p>	<p>Vote Solar testified that “CAISO’s positions regarding ‘uncommitted’ resources” is contrary to the Preferred Loading Order. <i>Vote Solar’s Prepared Direct Testimony</i>, p.3. <i>D.13-02-015</i>, Finding of Fact 16 and 21.</p>	
<p>4. Even if some uncommitted EE and CHP included in CAISO’s Environmentally Constrained scenario sensitivity analysis do not ultimately materialize, there is a reasonable likelihood that demand response, energy storage and/or DG will be viable and able to meet or reduce LCR needs.</p>	<p>Vote Solar testified that “acceptance of the CAISO’s positions regarding ‘uncommitted’ resources forgoes the potential 2021 benefits of energy efficiency, demand response, and distributed generation programs already in the pipeline as of 2012 (the so-called incremental amounts), as well as the potential 2021 benefits that might accrue from further efforts that the Commission might undertake in this direction.” <i>Vote Solar’s Prepared Direct Testimony</i>, p.3. <i>D.13-02-015</i>, Finding of Fact 28.</p>	
<p>5. A sufficient amount of conventional gas-fired resources are needed to ensure LCR needs will be met.</p>	<p>Vote Solar supported a gas-fired resource need within a range of 800 and 1,700 MW. <i>Vote Solar Opening Brief</i>, p. 4. <i>D.13-02-015</i>, Finding of Fact 30.</p>	
<p>6. The Commission has a broader mandate than the CAISO’s reliability mandate. The Commission’s broader mandate includes a commitment to a clean environment.</p>	<p>Vote Solar noted that “CAISO’s incredulity regarding whether the incremental preferred resources embedded in the Sensitivity scenario will materialize causes CAISO to dismiss this very reasonable approach for reducing the Trajectory scenario based LCR need. Nevertheless, in light of the Commission’s clear desire to adhere to the mandate of the preferred loading order, (footnote omitted) CAISO’s arguments must be dismissed in their entirety.” <i>Vote Solar Opening Brief</i>, p. 4. See also, <i>Vote Solar Comments on Workshop</i>, pp.7-8.</p>	

	<i>D.13-02-015, Conclusion of Law 1.</i>	
7. Utility LCR procurement must take into account the availability of preferred resources before procuring non-preferred resources.	Vote Solar recommended that the “Commission should view the LCR process as an opportunity to manifest leadership in implementing the preferred loading order, which places [preferred resources] ahead of new fossil capacity in managing local requirements for the grid.” <i>Vote Solar’s Prepared Direct Testimony</i> , p.2. <i>D.13-02-015, Conclusion of Law 2.</i>	
8. SCE should be authorized to use either or both RFOs and cost of service contracts in LCR procurement.	Vote Solar pointed out that “the hearing record includes numerous references to the possible need to enter bilateral negotiations with the existing OTC plants due their formidable market power.” <i>Vote Solar Comments on Workshop</i> , pp.1-2. <i>D.13-02-015, Conclusion of Law 17.</i>	
9. Any extension to the OTC closure deadlines should be taken into account.	Vote Solar testified regarding the need for the Commission to consider the possibility of OTC compliance extensions. <i>Vote Solar’s Prepared Direct Testimony</i> , pp.5-6. <i>D.13-02-015, Conclusion of Law 20.</i>	
10. Some LCR procurement opportunities would be lost if there is delay in approving a procurement process.	Vote Solar testified that “time is tight for building new capacity to address 2021 LCR needs, hence the urgency of coming to a Track 1 decision.” <i>Vote Solar’s Prepared Direct Testimony</i> , p.5. <i>D.13-02-015, Finding of Fact 25.</i>	

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	
c. If so, provide name of other parties: To a large extent, California Cogeneration Council, TURN, CEERT. In some but not all areas, Sierra Club, CEJA, Clean Coalition, DRA, NRDC.		
d. Describe how you coordinated with DRA and other parties to avoid duplication		

<p>or how your participation supplemented, complemented, or contributed to that of another party: Vote Solar consulted with all of the above named parties and DRA regarding litigation strategies. Ultimately, in spite of having many similar positions, due to key differences regarding gas fired procurement needs, Vote Solar was unable to conduct joint advocacy with the majority of the other environmental groups. Vote Solar did, however, submit two sets of joint pleadings with the California Cogeneration Council.</p>	
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C. Additional Comments on Part II (use line reference # or letter as appropriate):

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#	Claimant	CPUC	Comment

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>Vote Solar’s participation in this proceeding was directed at policy and environmental matters, and therefore ascertaining direct benefits, in terms of actual dollars, to ratepayers is essentially impossible.</p> <p>Nevertheless, Vote Solar’s actions as an individual party resulted in direct and specific impacts to the manner in which SCE will conduct LCR procurement. These outcomes encourage greater penetration of preferred resources in California while maintaining a safe and reliable supply of gas generation, and thus are entirely consistent with D.88-04-066, which states:</p> <p><i>With respect to environmental groups, [the Commission has] concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission</i></p>	<p>CPUC Verified</p>
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staff, for example. (mimeo. at p.3.)

Ultimately, Vote Solar’s membership, which now includes over 10,000 Californians, are directly benefitted by the above described advocacy in that it directly addresses their environmental concerns and desire to see the full potential of solar and other preferred resources. All Californians, including Californian investor owned utility customers, also benefit, albeit more generally and indirectly, from Vote Solar’s mission to fight global warming, increase energy independence, decrease fossil fuel dependence, and foster economic development by bringing solar energy into the mainstream.

b. Reasonableness of Hours Claimed.

Vote Solar is a small, tightly staffed and budgeted organization with a very “flat” management structure. Accordingly (and unfortunately) Vote Solar does not have the resources to “delegate” work from senior to more junior staff. The “lead” attorney, Kelly Foley, is the only in house attorney at Vote Solar and the only employee, attorney or otherwise, dedicated full time to California issues.

In recognizing that Ms. Foley is a senior attorney theoretically eligible to bill at a fairly high rate, she compensated for her inability to delegate work by applying up front reduction of her work hours as appropriate, or with respect to preparing intervenor compensation related filings, reducing her rate by more than required by the Commission. Furthermore, Vote Solar continuously strives, whenever practical or possible, to narrow participation to areas where Vote Solar is more likely to bring a unique voice, perspective or contribution.

Vote Solar also incorporates pro-rate adjustments to time spent by multiple Vote Solar representatives. As indicated on the time sheets, if, by example, two Vote Solar representatives spend 1 hour on a phone call, the 1 hour is split between the two representatives, with a half hour being claimed by each, rather than the full hour.

c. Allocation of Hours by Issue

see Attachment B

B. Specific Claim:

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CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$

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Kelly Foley	2012	83.05	\$350	New Rate Request, see Attachment D	\$29,067.50			
Kelly Foley	2013	5.5	\$350	New Rate Request, see Attachment D	\$1,925.00			
Eric Gimon	2012	53.2	\$180	New Rate Request, see Attachment D	\$9,576.00			
Subtotal:					\$40,568.50	Subtotal:		

OTHER FEES

Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):

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Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
[Person 1]			\$					
[Person 2]								
Subtotal:						Subtotal:		

INTERVENOR COMPENSATION CLAIM PREPARATION **

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Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Kelly Foley	2012	1	1/3 of \$350	New Rate Request, see Attachment D	\$116.67			
Kelly Foley	2013	7.3	1/3 of \$350	New Rate Request, see Attachment D	\$851.67			
Subtotal:					\$968.34	Subtotal:		

COSTS

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#	Item	Detail	Amount	Amount
Subtotal:				Subtotal:
TOTAL REQUEST \$:			\$41,536.84	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 ½ 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

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.