

ATTACHMENT D

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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
INITIATIVE**

**REQUEST FOR NEW HOURLY RATE FOR KELLY M. FOLEY
AND ERIC GIMON**

Vote Solar requests a new hourly rate for Kelly M. Foley, Vote Solar's in house attorney and California advocate, of \$350/hour for 2012 and forward. Ms. Foley has no previously adopted rate approved by the Commission. Consistent with the information provided below, Ms. Foley has been practicing law as a member of the California Bar for 20 years. Over 16 of those years have been spent working as an Energy Regulatory Attorney. During that time, Ms. Foley spent nearly 12 years between two of the three major California investor owned utilities, almost 2 years in private practice at a major energy law firm, and almost 3 years advocating for Vote Solar. Ms. Foley has extensive experience appearing before the Commission, including acting as second chair in a major General Rate Case, as well as experience appearing before FERC, the California Energy Commission, and other state and federal regulatory agencies. Prior to her work in the energy industry, Ms. Foley worked in the non-profit sector and for California government entities. The requested rate of \$350 for 2012 and forward is on the lower end for attorneys with Ms. Foley's number of years and depth of Commission and energy industry experience.

Vote Solar also requests a new hourly rate for Eric Gimon, Vote Solar's expert in this proceeding, of \$180/hour. Dr. Gimon has no previously adopted rate approved by the Commission. Consistent with the resume attached below, while Dr. Gimon's first appearance before the Commission was in this proceeding, he has five years of significant and directly related energy experience, as well as many other years conducting top notch academic research and guiding environmentally oriented philanthropy efforts. This additional academic and philanthropy experience justifies placing Dr. Gimon on the higher end of the rate range for experts with 0-6 years of energy experience.

From page 5 of the September 13, 2012 Administrative Law Judge Division Resolution ALJ-281:

Hourly Intervenor Rate Ranges for 2007 - 2012

Years of Experience	2007 Range	2008 Range	2009 Range	2010 Range	2011 Range	2012 Range
Attorneys:						
0 - 2	\$145-\$200	\$150- \$205	\$150-\$205	\$150- \$205	\$150-\$205	\$155-\$210
3 - 4	\$195-\$230	\$200- \$235	\$200-\$235	\$200-\$235	\$200-\$235	\$205-\$240
5 - 7	\$270-\$290	\$280- \$300	\$280-\$300	\$280-\$300	\$280-\$300	\$285-\$305
8 - 12	\$290-\$345	\$300-\$355	\$300-\$355	\$300-\$355	\$300-\$355	\$305-\$360
13+	\$290-\$520	\$300-\$535	\$300-\$535	\$300-\$535	\$300-\$535	\$305-\$545
Experts:						
All			\$115 - \$390			
0 - 6	\$120-\$180	\$125-\$185	\$125-\$185	\$125-\$185	\$125-\$185	\$130-\$190
7 - 12	\$150-\$260	\$155-\$270	\$155-\$270	\$155-\$270	\$155-\$270	\$160-\$275
13+	\$150-\$380	\$155-\$390	\$155-\$390	\$155-\$390	\$155-\$390	\$160-\$400

Kelly M. Foley's Relevant Experience before the Commission:

1997-1998: AB1890 Direct Access Proceeding. Attorney for Oxbow and Onsite.

PG&E Sale of the Geysers Generation. Attorney for Calpine.

1998-2003: Post Transition Ratemaking Proceeding. Attorney for PG&E.

PUC Section 309 QF SRAC Pricing Proceeding. Attorney for PG&E.

2003-2009: Numerous GO 131-D Applications, including major CPCNs. Attorney for Sempra – SDG&E.

2008 TY General Rate Case. Attorney for Sempra – SDG&E and SoCal Gas.

Numerous Rate Design and Cost of Capital proceedings. Attorney for Sempra – SDG&E.

2004 LTPP. Attorney for Sempra Generation.

AMI/Smart Meter Application – Attorney for SDG&E.

2010-present: R.11-09-0 11, R.11-10-003, R.11-10-023, A.10-11-015, R.10-12-007, R.10-05-006, R.12-03-004, R.12-06-013. Attorney for Vote Solar.

Kelly M. Foley's Education:

University of Michigan Law School, Ann Arbor, MI
J.D. December 1992

Wayne State University, Detroit, MI
B.A. Economics, May 1990

Kelly M. Foley's Field of Expertise and Years in Field:

Energy Regulatory Attorney, 16+ Years, Member of the California Bar since 1994, CalBar # 171536

Kelly M. Foley's Experience by Employer, Including Past Work Prior to Commission Work:

The Vote Solar Initiative, San Francisco, CA
Regulatory Director and Legal Counsel, August 2010 to present
Lead regulatory counsel for non-profit solar advocacy organization, appearing before state and Federal agencies in solar related ratemaking, integration, siting and general policy proceedings.

Sempra Energy, San Diego, CA
Senior Counsel, March 2003 to April 2009
Lead regulatory counsel for investor owned utility, appearing before the California Public Utilities Commission, the Federal Energy Regulatory Commission, and other government agencies. Areas of expertise include smart metering, ratemaking, rate design, and transmission siting.

Pacific Gas and Electric Company, San Francisco, CA
Counsel, May 1998 to March 2003
Regulatory counsel for investor owned utility, appearing before the California Public Utilities Commission, the Federal Energy Regulatory Commission, and other government agencies. Areas of practice include ratemaking and municipal contracting.

Davis Wright Tremaine, San Francisco, CA
Associate, January 1997 to May 1998
Represented energy industry clients in regulatory matters. Clients included Sterling Energy Systems, Calpine, and Dynegy.

Merced and Napa County, Merced and Napa, CA
Deputy County Counsel, January 1994 to January 1997
Provide legal counsel to county government. Primary areas of responsibility include environmental services and planning and development.

National Economic Development and Law Center, Oakland, CA
Fellow, January 1993 to January 1994
Research and writing Fellow focusing on Community Economic Development strategies and providing legal advice to non-profit organizations.

Eric Gimon's Resume, Background and Experience

Summary

- ☐ Scientist and philanthropist moving into energy, climate and technology policy.
- ☐ 15 years research experience at elite institutions with strong publication record: (25 peer-reviewed publications with 1400+ combined citations).
- ☐ 10 years experience in philanthropy designing and overseeing grants
- ☐ Very strong analytical skills: quick acquisition and rapid synthesis of diverse and complex material.
- ☐ Experienced with research and grant making collaborations with both local and international partners.
- ☐ Proven independent worker, team worker and self-motivator.
- ☐ Seasoned presenter, bi-lingual French/English.

Education

- ☐ 1993 - 1997 Ph.D., Theoretical Physics, University of California, Santa Barbara
- ☐ 1993 - 1995 M.S., Physics, University of California, Santa Barbara.
- ☐ 1992 - 1993 M.S., Mathematics, Stanford University.
- ☐ 1988 - 1993 B.S., Joint Honors Physics and Mathematics, Stanford University.

Professional Experience

Department of Energy (DOE), Office of Electricity (OE) Office of the Under-Secretary

Washington, DC

AAAS Science and Technology Fellow

Sept 2009 - Dec 2010

- ☐ Developed a "Grid Horizons" strategy white paper for the Under Secretary for Energy's office.
- ☐ Member of small DOE-wide strategic team that developed a DOE "Strategic Technology Energy Plan" (STEP), an integrative approach across technology offices for achieving the President's 2050 carbon mitigation goals.
- ☐ Participated in first-of-its-kind DOE-led Renewable Energy Futures study (still in review). I provided feedback and analytical assessment of on-going effort and through review meetings while advising and exchanging information with the transmission build-out chapter.
- ☐ Provided high-level analysis and management advice for major \$80M DOE grants which are sponsoring path-breaking interconnection-wide planning activities in all three major US interconnections. Attended multiple planning meetings for both East and West interconnections.
- ☐ Researched and wrote white paper on wildcard factors for transmission and grid planners.

University of California and Lawrence Berkeley Lab

Berkeley, CA

Visiting Scientist Lawrence Berkeley National Laboratory

Oct 2008 – Aug 2009

- ☐ Worked with the Environmental Energy Technology Division on putting together a lab/campus conference on building technologies, wrote summary report.
- ☐ Active member of the "Cost of Conserved Carbon" research team at the Renewable and Appropriate Energy Lab (RAEL) at UC Berkeley. This team is developing an open source resource and web presence for evaluating the carbon mitigation potential and cost of the most promising pathways for mitigation. I co-authored a report chapter on solar thermal technology.
- ☐ Participated in an energy audit effort for EETD building looking at HVAC system data.

Associate Researcher

Oct 2003 – Sept 2008

- ☐ Ran my own research program in high energy physics and quantum gravity.
- ☐ Responsible for maintaining active research visiting program with colleagues across the globe

- Frequent invited speaker and visitor, helped maintain visibility as senior researcher for the Berkeley theoretical physics group. Maintained multiple international collaborations.
- Un-officially supervised students in thesis work.

Institute for Advanced Study

Taplin Postdoctoral Fellow, Natural Sciences

Princeton, NJ

Sep 2000 – Sep 2003

California Institute of Technology

Postdoctoral Fellow, Physics Department

Pasadena, CA

Sep 1997 – Aug 2000

- Active theory researcher in the high energy physics and quantum gravity.
- Interacted with elite research core in my own field as well as in related areas (astrophysics, theoretical biology etc...)
- Coordinated seminars, helped maintain productive intellectual environment for permanent members and other visiting members.
- Regular invitee for seminars, programs and visits at various elite research institutions.
- Regular attendee at summer schools and programs worldwide.

Non-Profit Sector – Philanthropy

Pacific Institute

Board Member

Oakland, CA

Fall 2008 --- Present

The Pacific Institute is a nonpartisan research institute that works to advance environmental protection economic development, and social equity. The Pacific Institute currently has three main programs of research: Water, Community Strategies for Sustainability and Justice, and Globalization. The founder and president is MacArthur Fellow Dr. Peter H. Gleick. As board member I provide oversight and strategic advice.

Flora Family Foundation

The Flora Family Foundation was established in 1998 by the family of William R. Hewlett (co-founder of Hewlett-Packard Company) and his late wife, Flora Lamson Hewlett. It is predicated on the belief that each individual has an obligation to go beyond the narrow confines of his or her personal interests and be mindful of the broader concerns of humanity. Its annual budget is in the \$5M range.

Family Council Member

1998 – Present

- Direct oversight and involvement in grant activity largely in the environment and education fields. A sample of grants includes: the Land Institute (sustainable agriculture), the Global Footprint Network (global environmental impact metrics), the Pacific Institute (water use in California).

Lead member of the Climate Action team

2007 -- Present

- Grants with a strategic focus consisting of: (1) activating key constituencies, (2) communicating science to policy makers and the general public, and (3) stopping undesirable coal-fired power plants.

Board Member

1998 – 2000, 2004 – 2006

- Direct oversight over strategic direction and fiduciary responsibilities. Established initial direction for the organization. Conceived and realized multiple joint programs with other family members.

William and Flora Hewlett Foundation

Board Member

Menlo Park, CA

Jan 2004 – Dec 2006

The William and Flora Hewlett Foundation has been making grants since 1967 to solve social and environmental problems at home and around the world. Its annual budget is in the \$235M range. As board member, I attended quarterly meetings and strategic meetings for the environment program. I was an active participant in strategic discussions, program reviews, and financial oversight and created a network with people in a wide range of topics in the fields of global economic development, environment and energy, education, population, philanthropy and the arts.