

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Annual Local Procurement Obligations.	Rulemaking 11-10-023 (Filed October 20, 2011)
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**INTERVENOR COMPENSATION CLAIM OF DISTRIBUTED ENERGY
CONSUMER ADVOCATES
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF
DISTRIBUTED ENERGY CONSUMER ADVOCATES**

Claimant: Distributed Energy Consumer Advocates	For contribution to D.13-06-024
Claimed: \$ 31,377.50	Awarded: \$
Assigned Commissioner: Ferron	Assigned ALJ: 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/ Aram Shumavon
Date: 8/26/2013	Printed Name: Aram Shumavon

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

A. Brief Description of Decision:	Authorizing 2014 RA targets and creates interim flexible capacity product.
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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)):		
1. Date of Prehearing Conference:		
2. Other Specified Date for NOI:		
3. Date NOI Filed:	9/27/2012	
4. Was the NOI timely filed?		

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:		
6. Date of ALJ ruling:		
7. Based on another CPUC determination (specify):	Via email with ALJ Gamson	
8. Has the Claimant demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):		
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)):		
13. Identify Final Decision:	D.13-06-024	
14. Date of Issuance of Final Order or Decision:	June 27, 2013	
15. File date of compensation request:	9/26/2013	
16. Was the request for compensation timely?		

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

#	Claimant	CPUC	Comment

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

A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059). (For each contribution, support with specific reference to the record.)

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
1. Adoption of a 2015 compliance year flexibility requirement that specifically addresses flexibility contributions for preferred	DECA developed and presented at the March 20, 2013 all day workshop its "Full Credit" proposal for preferred resources. DECA was the only entity to present at the workshop that produced a	

<p>resources.</p>	<p>proposal for specifically addressing contributions from preferred resources.</p> <p>DECA commented on the record at the January 23 workshop on the implications for preferred resources of the Joint Parties' proposal and the ED proposal.</p> <p>DECA's workshop comments opposed a 2013 compliance year implementation of a flexible capacity procurement obligation.</p> <p>D.13-06-024 only adopted the Joint Parties' proposal on an abstract basis with no filing requirement for the 2014 compliance years, consistent with DECA's position that the 2013 compliance year was too soon for the Joint Parties' or Energy Division Staff proposals. The decision rejected a 2013 compliance year implementation (including for "test runs"). (see pp 53-55)</p> <p>The 8/02/2013 ACR and scoping memo adopted a 2014 compliance year (2015 physical year) (See p. 3, 6,)</p>	
<p>2.Rejection of the original Energy Division staff proposal.</p>	<p>DECA drafted and filed comments opposing the Energy Division's original staff proposal, met directly with Energy Division staff to emphasize the shortcomings of the original Energy Division staff proposal, and the propose alternatives.</p> <p>Energy Division staff significantly revised their original proposal. While DECA's preferred Maximum Cumulative Flexible Capacity Bucket proposal was not adopted, Energy Division staff did abandon its original staff proposal in favor of an alternative. (as presented at the same March 20,</p>	

	2013 workshop that DECA presented its Full Credit proposal at. The exact counting mechanism for flexible capacity for preferred resources are scheduled to be addressed in phase three, consistent with DECA's proposed schedule and the August 2, 2013 scoping ruling.	
3. Adoption of a September, 2013 schedule for Demand Response planning purposes	<p>DECA supported in its workshop comments a September, 2013 schedule for addressing Demand Response for planning purposes.</p> <p>The 8/02/2013 ACR and scoping memo adopted a 2014 compliance year (2015 physical year) target for flexible capacity specifically addressing DR in September 2013, consistent with DECA's proposals. (See p. 3, 6)</p>	
4. Rejection of the Joint Parties' Proposal for 2013 compliance year.	<p>DECA opposed adopting the JPP for 2013 in its workshop presentation, comments on the workshop and in comments on the PD.</p> <p>While D.13-06-024 adopted the Joint Parties' proposal on an abstract basis, it expressly opposed implementing it on a "trial run" basis for 2013. (see pp 53-55)</p>	

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

	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: Sierra Club, TURN, Clean Coalition, PG&E, Vote Solar, et al.		

<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>DECA had regular phone and in person conversations with parties in the proceeding with the intent of ensuring that a coordinated strategy was developed between interested parties and that the most time efficient balance of party resources was used. These conversations included follow up with PG&E to discuss scheduling of demand response for 2013 in workshop comments and replies and coordination phone calls with preferred resource industry representatives to ensure DECA’s Full Credit proposal reflected the real world needs of industry participants and common utility practices.</p>	
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C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Claimant	CPUC	Comment

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

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

<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>DECA exists to advocate on behalf of residential and small commercial customers who can make more cost effective investments than the utilities make on their behalf. A significant portion of this cost effectiveness comes from preventing costs that could be avoided from being assigned to those customers.</p> <p>In this proceeding that cost savings includes both avoided procurement of new resources (see DECA’s March 20, 2013 workshop presentation) to meet “flexibility requirements” in excess of thousands of MegaWatts at a savings of billions of dollars, by ensuring that imports are counted for their contribution to flexibility.</p> <p>It also includes the ability of DECA’s members to receive compensation for their investments’ abilities to provide flexibility directly to utilities or other wholesale market participants through their participation in demand response programs or by curtailing the generation of their renewable resources.</p> <p>These cost savings far exceed the cost of DECA’s participation in this proceeding and benefit both DECA’s members and all California ratepayers as well as the environment including local air quality in some of California’s most at risk communities.</p>	<p>CPUC Verified</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>DECA has endeavored to minimize the number of hours involved in this proceeding. While DECA did invest a considerable amount of time in the development of its Full Credit proposal and in conversations around the</p>	

<p>use of Maximum Cumulative Capacity buckets as a tool for addressing preferred resources, no other entity was considering alternative to a “fossil first” Joint Parties proposal once the Energy Division staff modified its original proposal. The number of hours invested by DECA in its proposal was minimized by its incremental approach to its proposal – presenting a minimum viable product and then waiting for Commission blessing before continuing with development efforts. Many of the issues raised by DECA in its Full Credit proposal are scoped to be addressed in phase three of this proceeding and will likely be more fully addressed at that time. By waiting until the Commission had an opportunity to determine that the issues addressed by DECA should be investigated as part of an ongoing analytical process DECA has hopefully struck a balance between providing helpful information for the record and minimizing the costs associated with the hours invested.</p> <p>As a matter of practice DECA only submits claims for work that is 100% related to the proceeding in question, so meetings or work that cover more than one proceeding are excluded from any calculus, even if those proceedings are related. DECA does not submit claims for travel expenses related to the CPUC. DECA also always calculates related support work performed based on a 50% reduction in the hourly rate similar to the Commission’s practice for preparing an intervenor compensation claim. In this way DECA is not “billing up” for administrative work. With regard to Mr. Shumavon’s work, DECA submits claims at \$200/hr for Mr. Shumavon, which is significantly below the market rate charged by Mr. Shumavon for his consulting work outside of his work for DECA. Finally, DECA passes on only the directly bill hours from its outside counsel Michael Dorsi with no administrative adder. Mr. Dorsi’s rate reflects a reduction of his normal rate and is consistent with the guidelines established in the intervenor compensation program for an attorney with many years of staff experience on at the CPUC and in the energy industry.</p>	
<p>c. Allocation of Hours by Issue</p> <p>See attachment</p>	

B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Michael Dorsi		3.53	275	More than one year of CPUC jurisdiction work after law school, 5 years of work at the CPUC and for the CA attorney general’s office	970.75			

				on energy issues in FERC and state jurisdictions.				
[Attorney 2]								
Aram Shumavon		154.75	200	13 years of cpuc experience (11 at the cpuc, 2 in private practice)	30050			
[Expert 2]								
Brad Bordine		75	1.25	associate analyst	93.75			
[Advocate 2]								
Subtotal: \$ 31114.5					Subtotal: \$			
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 \$
Brad Bordine		3	37.5	Half rate	131.25			
[Person 2]								
Subtotal: \$131.25					Subtotal: \$			
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Brad Bordine		4	37.5	Half rate	150			
Aram Shumavon		1	100	Half rate	100			
Subtotal: \$250.00					Subtotal: \$			
COSTS								
#	Item	Detail			Amount	Amount		
TOTAL REQUEST: \$					TOTAL AWARD: \$			
31,377.50								
<p>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 are compensated at 1/2 of preparer's normal hourly rate.</p>								
Attorney		Date Admitted to CA BAR¹		Member Number		Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		
Michael Dorsi		1/19/2012		281865		No		

¹ This information may be obtained at: <http://www.calbar.ca.gov/>.

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Billable Hours Summary

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

Item	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 non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], 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 by Customer**

I hereby certify that I have this day served a copy of the foregoing **INTERVENOR COMPENSATION CLAIM OF DISTRIBUTED ENERGY CONSUMER ADVOCATES AND DECISION ON INTERVENOR COMPENSATION CLAIM** by (check as appropriate):

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

to the following persons appearing on the official Service List:

[Insert names and addresses from official Service List]

Executed this 26th day of August, 2013, at San Rafael, California.

/s/ Aram Shumavon

[Signature]

Aram Shumavon
516 Whitewood Drive
San Rafael, CA 94903

Revised August 2013

[Typed name and address]