

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Pursuant to Assembly Bill 2514 to Consider the Adoption of Procurement Targets for Viable and Cost-Effective Energy Storage Systems.	Rulemaking 10-12-007 (Filed December 16, 2010)
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**INTERVENOR COMPENSATION CLAIM OF [CLEAN COALITION]
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF [CLEAN
COALITION]**

Claimant:	CLEAN COALITION	For contribution to Decision 13-10-040
Claimed: \$	\$42,697	Awarded: \$
Assigned Commissioner:	Carla Peterman	Assigned ALJ: Colette Kersten
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/ Dyana Delfin-Polk
Date:	12/19/13	Dyana Delfin-Polk

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

A. Brief Description of Decision:	This decision establishes the policies and mechanisms for procurement of electric energy storage pursuant to Assembly Bill 2514.
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	September 4 th 2013	
2. Other Specified Date for NOI:		
3. Date NOI Filed:	10/4/2012	

4. Was the NOI timely filed?		Yes
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):	D.13-12-021/D.13-12-023 (both dated 12/5/13)	
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:		
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):	D.13-12-021/D.13-12-023 (both dated 12/5/13)	
12. Has the Claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	Decision 13-10-040	
14. Date of Issuance of Final Order or Decision:	10/21/2013	
15. File date of compensation request:	12/19/13	
16. Was the request for compensation timely?		Yes

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

#	Claimant	CPUC	Comment

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

A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (see § 1802(i), § 1803(a) & D.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
Contribution	Citation to Decision or Record	
The Clean Coalition is submitting this claim for contributions to D.13-10-040 in the energy storage	Comments in <i>italics</i> in this column are the Clean Coalition's brief explanation of our argument and the Commission's resolution	

<p>proceeding.</p> <p>We submitted the following comments in this proceeding, with the date of submission specified:</p> <p>Use Case Submission and Workshop Participation, October 2012</p> <p>Clean Coalition Opening Comments on Interim Staff Report and Energy Storage Workshops, dated February 4th, 2013</p> <p>Clean Coalition Reply Comments on the Phase 2 Interim Staff Report and Energy Storage Workshops, dated February 21st, 2013</p> <p>Clean Coalition Opening Comments on Assigned Commissioners Ruling, dated July 3, 2013</p> <p>Clean Coalition Opening Comments on Proposed Decision, dated September 23rd, 2013</p> <p>Clean Coalition Reply Comments on Proposed Decision, dated September 30th, 2013</p>	<p>of that argument. We have also highlighted in yellow where the Clean Coalition is mentioned by name.</p>	
<p><u>D.13-10-040</u></p> <p>This decision adopted an energy storage procurement framework and design program for the investor-owned utilities.</p> <p><i>Adding teeth to the procurement framework</i></p> <p>The Clean Coalition argued in opening comments on the PD:</p> <p>“The Clean Coalition feels that additional teeth are required,</p>	<p><i>The Clean Coalition argued that allowing overly-easy deferral of the IOU procurement targets constituted bad policy. We also argued that the lack of a hard deadline for meeting procurement targets was a serious flaw in the proposed decision. The Commission agreed with our second point but disagreed with our first point.</i></p> <p>The Final Decision adds a requirement that all storage projects must be procured and online by 2024, a requirement that was missing in the PD. This requirement is stated in a number of places and was not present in the PD. For example, p. 37 states:</p>	

<p>however, to ensure that the storage procurement targets are met. As is, the language in the PD is too weak (pp. 40-41): ‘We remind the IOUs that while we may grant a request to defer a portion of their procurement targets, we expect that the cumulative procurement goals will be met by 2020. If the goals are not met at that time, we will consider whether the target date to achieve the MW goals should be extended past 2020.’ Combined with the off-ramps provided in the PD, it seems likely that the headline procurement targets are at significant risk of not being met by 2020. Considering that the IOUs have already expressed their disagreement with the procurement targets, it is likely that the IOUs will continue to be opposed to procurement of the full targets. As such, we urge the Commission to require that the IOUs meet, at the very least, the 2020 procurement target if cost-effective and viable storage projects have been offered in sufficient quantities.” (Clean Coalition opening comments on PD, p. 6).</p>	<p>“We remind the IOUs that while we may grant a request to defer a portion of their procurement targets, we expect that the overall procurement goal of 1,325 MW will be installed by 2024.”</p> <p>This change seems to have been made in response to the Clean Coalition’s stated concerns about the lack of teeth in reaching the 2020 goals because the new 2024 requirement acts as a backstop against any deferrals from prior to 2020, which we specifically raised as a concern in our opening comments.</p> <p>The FD states: “Clean Coalition is less favorable about the concept of deferring a portion of the IOU’s procurement target. It warns that when utilities have been offered discretion, they have generally procured ‘less than the targets—sometimes significantly less.’ Consequently, it is concerned that the proposal would lead to a similar less than optimal response with respect to actual energy storage procurement.”¹</p> <p>The FD disagreed with our recommendation in this regard, however, stating (p. 37): “In this decision, we adopt a program that balances ratepayer protection with the promotion of new energy storage technologies. If the utilities can demonstrate that they have not received bids that are economically or operationally viable, or have not received sufficient bids to meet their procurement targets, they will be allowed to defer up to 80 percent of their procurement target to a later procurement period. At the same time, there shall be a minimum level of procurement for each solicitation period to ensure that energy storage is included in a utility’s resource portfolio.”</p> <p>In sum, the FD disagreed with our recommendation to increase the bar for allowed deferrals but agreed with our recommendation that a backstop deadline for full procurement of the 1,325 MW goal</p>	
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¹ Clean Coalition’s Opening Comments on ACR at 6.

	<p>should be added to the procurement framework.</p>	
<p><i>Procurement mechanisms</i></p> <p>Clean Coalition argued in favor of a full cost and value pricing approach. We stated in opening comments on the ACR (p. 9):</p> <p>“The Clean Coalition feels that the cost-effectiveness tools developed in this proceeding may provide the appropriate basis for “off ramps” and ratepayer protection. We propose a Full Cost and Value Accounting approach, using the analyses developed by EPRI and DNV KEMA, under which the Commission, utilities and other stakeholders will create standard process for evaluating storage projects and standard value figures for a comprehensive set of the various services provided by storage facilities.”</p> <p>We also stated our opposition to using RAM in the energy storage context, in opening comments on the ACR at p. 4:</p> <p>“The ACR proposes using a RAM-like model for procuring third-party owned energy storage (p. 16). We are concerned that a RAM model won’t be able to accommodate the technology diversity in today’s energy storage market. We also question whether a RAM procurement mechanism would allow third-party owners to maximize the value of several revenue streams for different types of services that storage can provide.”</p>	<p>The FD states (p. 48): “Other parties opposed to the RAM promote other approaches. For example, Primus Power advocates a feed-in tariff structure, Joint Solar Parties recommend RFOs, and Clean Coalition proposes full cost and value pricing.”</p> <p>The FD agreed with our argument that the RAM was not appropriate for energy storage, but did not agree with our preferred alternative proposal: full cost and value pricing. The FD states (p. 48): “We agree with parties that the RAM is not the appropriate mechanism for the procurement of energy storage. Energy storage has multiple attributes and functions that cross the spectrum of wholesale and retail markets and transmission & distribution grid services. As such, a RAM-type solicitation, which seeks to obtain the lowest cost for ratepayers, may not be able to properly evaluate projects due to the variety of functions and markets served. Rather, we are persuaded by parties’ comments that competitive solicitations involving RFOs are the best mechanism to meet the varying definitions and use cases of storage in a changing technology environment.”</p>	
<p><i>Party participation in development of common framework for cost-effectiveness</i></p>	<p><i>The Commission agreed partially with our recommendation, giving permission to Energy Division to hold a workshop to discuss the “evaluation protocol.” This did</i></p>	

<p>Clean Coalition argued (p. 8-9, opening comments on PD): “The Clean Coalition requests that the Commission include parties to this proceeding as potential members of the joint consultation between the IOUs and Commission staff to establish a common framework for the IOUs for “valuing storage benefits such as market services and avoided costs, and estimating project costs to provide a consistent basis for comparison across utilities, bids, and use cases.” (Appendix, p. 6). This is a highly important part of the process and it would contravene the spirit of the rule-making process to not allow parties to be part of the development of this common framework. In fact, it is perhaps the most important part of the proceeding and it is being deferred. We accept this deferral but we strongly recommend including other parties in the process of completing the common framework.”</p>	<p><i>not go as far as we would have liked, but it was a step in the right direction to providing at least some stakeholder participation in what would have otherwise been an opaque process with no stakeholder participation.</i></p> <p>The FD states (p. 55-56): “In addition, while we allow different evaluation protocols by utility, the IOUs shall confer with Energy Division Staff to develop a consistent evaluation protocol to be used for benchmarking and general reporting purposes. Energy Division staff may hold a public workshop to discuss the consistent evaluation protocol with stakeholders before the IOUs file their procurement applications.”</p>	
<p><i>Customer-side procurement of energy storage</i></p> <p>Clean Coalition argued that customer-side procurement of energy storage should be eliminated (Clean Coalition’s Opening Comments on ACR at 12)</p>	<p>The FD states (p. 51): “IREC and Clean Coalition recommend eliminating or reducing the MW target for customer-side procurement.”</p> <p>The Commission disagreed with our recommendation, stating (p. 51): “We are persuaded by PG&E’s arguments that customer-side storage targets may be fulfilled through existing proceedings, such as the 2015 demand response application, the distributed generation/California Solar Initiative rulemaking, and alternative-fueled vehicle rulemaking.² All of these</p>	

² PG&E’s Reply Comments on ACR at 11.

	<p>proceedings have their own standards that are being used to develop and implement programs.”</p>	
<p><i>Determining cost-effectiveness</i></p> <p>“We recommend at this time that any storage projects that can be procured under our proposed standard values approach (Full Cost and Value Accounting) should be deemed cost-effective.” (Clean Coalition’s Opening Comments on ACR at 12)</p>	<p>The FD states: “Other parties advocate other means to determine cost-effectiveness. Sierra/CEJA urge the Commission to “make a finding that the procurement targets met the cost effectiveness of AB 2514.”³ Clean Coalition advocates a “Full Cost and Value Accounting Approach” which would calculate standard value pricing numbers that would be available for each service that storage technologies provide. Clean Coalition states that under its proposed approach, developers would bid their projects based on standard value pricing, which are deemed to be cost-effective.”</p> <p>The FD did not, however, agree with our recommended Full Cost and Value Accounting approach, stating (p. 55): “We agree with parties that any actual finding of cost-effectiveness should only be done in a utility application for approval of storage contracts or rate-based additions, where there is a specific project and actual project inputs. Moreover, based on parties’ comments, we find that the EPRI and DNV KEMA models should not be required by the Commission as the sole methodologies for assessing cost effectiveness at this point. As such, we shall allow the IOUs to propose their own methodology to evaluate the cost and benefits of bids. However, the IOUs shall assess the full range of benefits and costs identified in the use-case framework and the EPRI and DNV KEMA reports submitted in this proceeding.”</p>	
<p><i>Confidentiality issues</i></p> <p>The Clean Coalition highlighted problems with the Commission’s interpretation of relevant confidentiality provisions at length in our comments on the PD.</p> <p>We stated in opening comments</p>	<p><i>The Commission disagreed with our comments on confidentiality and the proper interpretation of D.06-06-066.</i></p> <p>The FD states (p. 57): “Based on parties’ comments, we are persuaded that the confidentiality rules in the Storage Framework should be consistent with the confidentiality requirements set forth in D.06-06-066. That decision established a</p>	

³ Sierra Club/CEJA’s Opening Comments on ACR at 30.

<p>on the PD (p. 11), extending through page 14:</p> <p>“The Clean Coalition strongly disagrees with the PD’s citation to D.06-06-066 re confidentiality in the context of the value of the various products from energy storage projects. The Clean Coalition has long been concerned about confidentiality and the tendency to enforce a presumption of confidentiality rather than the actual presumption of non-confidentiality codified in Commission precedent. While our comments here are limited to the energy storage context, our general concerns extend to the treatment of data confidentiality in all domains regulated by the Commission.”</p>	<p>matrix that identified various types of utility data and the extent and duration to which that data would receive confidential treatment.⁴ Although storage is not specifically identified in Appendix 1 of that decision, we are not persuaded that it is unique enough to warrant differential treatment of its data compared to other technologies and applications being procured by utilities at this time.”</p>	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
<p>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?⁵</p>	Yes	
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	Yes	
<p>c. If so, provide name of other parties: PG&E, SCE, SDG&E, MEA, TURN, CESA, Pilot Power, Megawatt Storage, IEP, Sierra/CEJA, and CFC</p>		
<p>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>The Clean Coalition’s compensation in this proceeding should not be reduced for duplication of the showings of other parties. The Clean Coalition often led the efforts to coordinate with other parties,</p>		

⁴ See, *Interim Opinion Implementing Senate Bill No. 1488, Relating to Confidentiality of Electric Procurement Data Submitted to the Commission* (D.06-06-066) at Appendix 1 (IOU Matrix).

⁵ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>including joint comments, collaborative conversations regarding use cases and internal coordination with the Long Term Procurement Proceeding, as directed by the Commission early in this proceeding. In short, no party represents the arguments that the Clean Coalition regularly advocates: a quick transition to more wholesale distributed generation and a smarter grid to accommodate more renewables. We collaborated with other parties when possible.</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>This proceeding and final decision benefitted from the Clean Coalition’s participation, particularly from our use case comments and recommendations on the proposed procurement framework. We stressed that the law requires that energy storage procured by utilities under this procurement framework must be cost-effective. We also recommended ways in which the Commission could ensure cost-effectiveness. Our recommendations, if accepted, would have achieved this goal. Because the Commission did not accept our recommended cost-effectiveness framework we cannot quantify the impacts of our recommendations on ratepayers. However, we feel that the cost of our participation is more than outweighed by the benefits of our participation. No other group represents the issues that the Clean Coalition brings forth to the Commission, and these issues were taken into consideration and evaluated in the Final Decision, as described in the previous section.</p>	<p>CPUC Verified</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>The Clean Coalition was always careful in terms of using the most appropriate personnel for each task. We worked to ensure that only personnel essential to these matters worked on each issue. Director of Economics and Policy Analysis Kenneth Sahm White and Intelligent Grid Policy Manager Whitney Richardson took the lead in drafting comments and leading collaboration with other parties on most issues in this proceeding. Regulatory Policy Director Stephanie Wang and Attorney Tam</p>	

<p>Hunt provided some oversight of comments, and Hunt assumed the lead role in submitting comments when Richardson left the Clean Coalition. Project Engineer Bob O’Hagan provided support for the use case submission and evaluation. Policy Manager Dyana Delfin-Polk assisted minimally and prepared the compensation claim. In addition, the Clean Coalition staff efficiently coordinated with groups in this proceeding to minimize time and resources required.</p>	
<p>c. Allocation of Hours by Issue</p> <p>In terms of allocation of time between issues in this proceeding, there were several overarching issues that Clean Coalition focused upon: the need for the Commission to seriously evaluate and use DG+IG resources, providing the Commission a well-developed use case example, ensuring an effective procurement framework with teeth, ensuring cost-effectiveness, and ensuring that California’s energy storage procurement goals are met, all of which are well within the scope of this proceeding. The Clean Coalition spent the majority of time and effort on these particular issues, as is represented in the record, and in leading collaborative efforts with other groups.</p>	

B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Tam Hunt	2013	38.25	\$336	Resolution ALJ-287	\$12,852			
Stephanie Wang	2013	32.5	\$305	Resolution ALJ-287	\$9912.5			
Kenneth Sahm White	2012	16.75	\$175	Resolution ALJ-281	\$2931.25			
Kenneth Sahm White	2013	4.75	\$185	Resolution ALJ-287	\$878.75			
Bob O’Hagan	2012	30.5	\$165	Resolution ALJ-281	\$5032.5			
Whitney Richardson	2012	97	\$95	Resolution ALJ-281	\$9215			
Dyana Delfin-Polk	2013	12.5	\$95	Resolution ALJ-287	\$1,187.5			
Subtotal: \$ 42,009.5						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 \$
Subtotal: \$						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Dyana Delfin-Polk	2013	7.4	\$47.5 (half)	Resolution ALJ-287	\$351.5			
Tam Hunt	2013	2	\$168 (half)	Resolution ALJ-287	\$336			
Subtotal: \$687.5						Subtotal: \$		
COSTS								
#	Item	Detail			Amount	Amount		
TOTAL REQUEST: \$42,697						TOTAL AWARD: \$		
<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 ½ of preparer’s normal hourly rate.</p>								
Attorney		Date Admitted to CA BAR ⁶		Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation			
Tamlyn Hunt		1/29/2002		218673	No			
Stephanie Wang		9/29/2008		257437	No			

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

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

Item	Reason

⁶ This information may be obtained at: <http://www.calbar.ca.gov/>.

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 (<i>see</i> 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 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 Pub. Util. 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 compound 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 [CLEAN COALITION] 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:

Parties

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Revised December 2013

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SB_GT&S_0116685

Revised December 2013

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