

Decision 14-03-004

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 [Environmental Defense Fund]
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF
[Environmental Defense Fund]**

Claimant: Environmental Defense Fund	For contribution to Decision (D.) 14-03-004
Claimed: \$ 67,060	Awarded: \$
Assigned Commissioner: Florio	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/ Lauren Navarro
Date: 5/14/2014	Printed Name: Lauren Navarro

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

A. Brief Description of Decision:	Authorizing Long-Term Procurement for Local Capacity Requirements Due to Permanent Retirement of San Onofre Nuclear Generations Stations.
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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:	9/04/2013	
2. Other Specified Date for NOI:		
3. Date NOI Filed:	9/30/2013	
4. Was the NOI timely filed?		

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R. 12-03-014	
6. Date of ALJ ruling:	2/25/2013	
7. Based on another CPUC determination (specify):		
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):		
12. Has the Claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D. 14-03-004	
14. Date of Issuance of Final Order or Decision:	3/14/2014	
15. File date of compensation request:	5/14/2014	
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
<u>Track 4</u> 1. The Need for Additional Procurement Has Not Been Sufficiently Established. "While the utilities have requested additional	"As discussed herein, we determine that it is necessary to authorize additional procurement at this time. The 2013/2014 TPP results are expected to be complete by March 2014. However, further procedural activities in this docket would necessitate at least several months to fully develop a record to	

<p>procurement approval in the current track, the actual need of such procurement has not been established by the utilities and CAISO.” EDF Opening Brief p. 3.</p>	<p>incorporate the new TPP results. With long lead-time resources requiring several years of effort, and potential reliability issues surfacing starting in 2018, we cannot wait for further information at this point. Further, additional information inevitably becomes available as time passes. It is simply not possible to both incorporate all information and make timely decisions. However, knowing the TPP results are soon to be available and that additional transmission solutions may impact future LCR needs (by lowering local procurement requirements), we will take a cautious approach to avoid over procurement.” D. 14-03-004, p. 9-10</p> <p>“To replace a zero emission facility like SONGS with other resources, several parties argue it is necessary to mandate only low-to-no emitting resources as a source of replacement capacity. NRDC, Sierra Club, CEJA, and EDF all urge that any procurement authorized by the Commission should include preferred resources only.” D. 14-03-004, p. 76.</p> <p>“These parties recommend that the Commission, if it authorizes any additional Track 4 LCR procurement, require the utilities to first seek to satisfy that additional need with preferred resources. EDF contends that “[i]n comparison to combustion resources, the siting of [energy efficiency, demand response,] and small and large scale renewable generation is significantly less likely to face time delays and substantial obstacles to implementation.” D. 14-03-004, p. 96.</p>	
<p>2. The Use of Preferred Resources Is Underutilized. “The underutilization of DR</p>	<p>“A minimum procurement level must also be defined. Several environmental and ratepayer parties (e.g., NRDC, CEJA, Sierra Club, EDF, CLECA)</p>	

and renewable resources in the analysis by CAISO and the utilities unnecessarily favors the procurement of additional generation, that if procured will exist and require recoupment long beyond its necessity. If, the Commission grants the procurement of additional megawatts despite the lack of clear analysis, EDF strenuously advocates for the use of only Preferred Resources to meet any additional needs.” EDF Opening Brief p. 5.	recommend no procurement at this time, based on their analysis that there are likely to be sufficient resources available (and reductions in demand) to obviate any LCR need in the SONGS study area through 2022 We disagree. Our concern in D.13-02-015 included the reliability risks of under-procurement.” D. 14-03-004, p. 65.	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding? ¹	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: NRDC, Sierra Club, CEJA, CLECA		
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: EDF participated in numerous coordinating conference calls and meetings to coordinate positions, but not duplicate efforts.		

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)

¹ 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.

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: EDF fully analyzed and participated in the proceeding in an efficient and concise manner to maximize our efforts for the benefit of CA consumers and the environment.</p>	<p>CPUC Verified</p>
<p>b. Reasonableness of Hours Claimed. Track 4 of the LTPP proceeding was a very complex docket that required numerous hours of preparation and participation. EDF strove to utilize its resources in an efficient and concise manner without duplicating the efforts of other intervenors.</p>	
<p>c. Allocation of Hours by Issue. EDF participated in Track 4 of the proceeding with a concise effort focused on advocating for preferred resources, specifically demand response, including time-variant rates to address any procurement needs in the wake of the closure of SONGS. EDF limited its participation to the issue of preferred resources, specifically demand response include time-variant rates. All of the hours were focused on that narrow issue.</p>	

B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jennifer Weberski	2013	94	\$400	See Comment 2	\$37,600			
Jennifer Weberski	2014	15	\$400	See Comment 2	\$6,000			
Steven Moss	2013	51	\$350	See Comment 3	\$17,860			
Steven Moss	2014	16	\$350	See Comment 3	\$5,600			
Subtotal: \$ 67,060						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 \$
[Person 1]								
[Person 2]								
Subtotal: \$						Subtotal: \$		

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Jennifer Weberski	2014	8	\$200		\$1,600			
Subtotal: \$ 1,600						Subtotal: \$		
COSTS								
#	Item	Detail			Amount	Amount		
TOTAL REQUEST: \$ 67,060						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 ²		Member Number		Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		

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
Comment 2	<p>Jennifer Weberski is an accomplished public utility regulation professional focused on utility reliability and consumer outreach and advocacy. Ms. Weberski has seventeen years of experience in utility rate regulation, smart grid deployment, consumer engagement, natural gas pipeline expansion, replacement programs and energy policy. Ms. Weberski began her career at the Connecticut Office of Consumer Counsel where she embarked on advocating on behalf of the state's energy, gas, water and telecom customers.</p> <p>Ms. Weberski spent ten years with the D.C. Office of People's Counsel serving as lead counsel for numerous utility rate proceedings and representing the Office in reviewing and analyzing proposed utility projects for cost/benefit to customers, reviewing resource planning and advanced metering plans to ensure adequate reliability.</p> <p>Currently, Ms. Weberski provides legal and policy guidance to the Environmental Defense Fund with particular focus on the following proceedings at the California Public Utilities Commission: Rates/Time of Use, Long-Term Procurement Planning,</p>

² This information may be obtained at: <http://www.calbar.ca.gov/>.

	and proceedings related to the closure of San Onofre Nuclear Power Plant (SONGS).
Comment 3	Steven Moss, PhD., has 20 years of working on the technical aspects of utility regulatory proceedings. He is currently assisting EDF in several CPUC proceedings. He is contributing to EDF's efforts in multiple dockets.
Attachment 4	List of Substantive Documents Submitted by EDF
Attachment 5	Breakdown of Hours for Jennifer Weberski
Attachment 6	Breakdown of Hours for Steven Moss

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 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 [Environmental Defense Fund] 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:

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Executed this 14th day of May, 2014 at San Francisco,
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Attachment 4

List of Substantive Documents Submitted in Track 4

- **OPENING TESTIMONY OF ENVIRONMENTAL DEFENSE FUND ON TRACK 4 OF THE LONG-TERM PROCUREMENT PLANNING DOCKET**, filed September 30, 2013
- **OPENING BRIEF OF ENVIRONMENTAL DEFENSE FUND ON TRACK 4 OF THE LONG-TERM PROCUREMENT PLANNING DOCKET**, filed November 25, 2013
- **REPLY BRIEF OF ENVIRONMENTAL DEFENSE FUND ON TRACK 4 OF THE LONG-TERM PROCUREMENT PLANNING DOCKET**, filed December 16, 2013
- **COMMENTS OF ENVIRONMENTAL DEFENSE FUND ON THE PROPOSED DECISION IN TRACK 4 OF THE LONG-TERM PROCUREMENT PLANNING DOCKET**, filed March 3, 2014

Attachment 5

Breakdown of Hours for Jennifer Weberski Track 4

<u>Date</u>	<u>Hours</u>	<u>Preferred Resources Issue</u>	<u>Attendance at Hearings/CPUC</u>	<u>Preparation</u>
9/4/2013	2		Attend PHC	
9/4/2013	1			Meet with enviro coalition to limit duplication of efforts
9/11-16/2013	7	Prepare 9/30 Comments		
9/17/2013	1			Call with coalition
9/23-30/2013	8	Prepare 9/30 Comments		
10/22/2013	2		Attend PHC	
10/22-25/2013	5			Prep for Hearings
10/28-31/2013	32		Attend Hearings	
11/1-20/2013	15	Opening Brief		
12/1-16/2013	12	Reply Brief		

2/28- 3/3/2014	15	Comments on Proposed Decision		
5/7- 14/2014	8			Prep Comp Claim

Attachment 6

Breakdown of Hours for Steven Moss Track 4

<u>Date</u>	<u>Hours</u>	<u>Preferred Resources Issue</u>	<u>Attendance at Hearings/CPUC</u>	<u>Preparation</u>
9/4/2013	1			Team Meeting
9/11-16/2013	8	Prepare 9/30 Comments		
9/23-30/2013	8	Prepare 9/30 Comments		
10/22/2013	1			Team Meeting
10/22-25/2013	7			Prep for Hearings
10/28-31/2013	1			Team Meetings
11/1-20/2013	14	Opening Brief		
12/1-16/2013	11	Reply Brief		
2/28-3/3/2014	16	Comments on Proposed Decision		
5/7-14/2014	8			Prep Comp Claim