

Decision _____

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
CALIFORNIA**

Order Instituting Rulemaking to Integrate and Refine Policies and Consider Long-Term Procurement Plans	Rulemaking12-03-014 (Filed March 22, 2012)
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**INTERVENOR COMPENSATION CLAIM OF CALIFORNIA
ENVIRONMENTAL JUSTICE ALLIANCE AND DECISION ON INTERVENOR
COMPENSATION CLAIM OF CALIFORNIA ENVIRONMENTAL JUSTICE
ALLIANCE**

Claimant: California Environmental Justice Alliance	For contribution to Decision (D.) D.14-02-040/D.14-03-004
Claimed: \$288,336	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/ David Zizmor
Date: May 12, 2014	Printed Name: David Zizmor

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

A. Brief Description of Decision:	D.14-02-040 addressed issues raised in Track III of the 2012 Long-Term Procurement Plan, which focused on modifying long-term procurement planning rules. D.14-03-004 addressed issues raised in Track IV of the 2012 LTPP, which assessed and outlined the long-term procurement needs for local capacity requirements due to the permanent retirement of the San Onofre Nuclear Generating Station.
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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:	April 18, 2012	
2. Other Specified Date for NOI:	May 18, 2012	
3. Date NOI Filed:	May 10, 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:	A.13-06-015, A.11-05-023	
6. Date of ALJ ruling:	Oct. 17, 2013, April 23, 2012	
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:	A.13-06-015	
10. Date of ALJ ruling:	October 17, 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.14-03-004	
14. Date of Issuance of Final Order or Decision:	March 14, 2014	
15. File date of compensation request:	May 12, 2014	
16. Was the request for compensation timely?		

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

#	Claimant	CPUC	Comment
1	California Environmental Justice		The California Environmental Justice Alliance (CEJA) is an alliance of six grassroots environmental justice organizations that are situated throughout the state of California. CEJA’s six organizations

	Alliance	<p>represent utility customers throughout California that are concerned about their health and the environment. The organizational members of CEJA are: Asian Pacific Environmental Network, The Center for Community Action and Environmental Justice, Center on Race, Poverty & the Environment, Communities for a Better Environment, Environmental Health Coalition, and People Organizing to Demand Environmental and Economic Justice. CEJA is an unincorporated organization that is fiscally sponsored by the Environmental Health Coalition. All of the members of CEJA are non-profit public interest entities. Together, the six member organizations of CEJA are working to achieve environmental justice for low-income communities and communities of color throughout the state of California. In particular, CEJA is pushing for policies at the federal, state, regional and local levels that protect public health and the environment. CEJA is also working to ensure that California enacts statewide climate change policies that protect low-income communities and communities of color.</p>
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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
<p><u>1. Track 3 – Transparency in Forward Purchasing</u></p> <p>CEJA urged the Commission to increase transparency within the procurement process to ensure meaningful public participation. In response to arguments put forth by the utilities, CEJA also argued that transparency issues were within the scope of the proceeding.</p> <p>The Decision accepted CEJA’s position when it considered transparency issues in the Decision and agreed to increase transparency by promoting greater reporting.</p>	<p>CEJA’s Initial Track 3 Comments (11/2/12) at pp. 1-3 (CEJA argued that increased transparency will satisfy the SB 1488 requirement for “meaningful public participation and open decision-making” in the procurement process).</p> <p>CEJA’s Track 3 Comments (4/26/13) at pp. 4-5. (CEJA urged the Commission to require further transparency within the procurement process to ensure meaningful public participation).</p> <p>CEJA’s Track 3 Reply Comments (5/10/13) at p. 3 (CEJA rebutted PG&E’s and SDG&E’s suggestions and arguments that transparency issues should not be considered in this proceeding).</p>	

	<p>CEJA’s Track 3 Reply Comments (5/10/13) at pp. 3-4 (CEJA argued that transparency issues are within the general scope of this proceeding).</p> <p>D.14-02-040 at p. 24 (“[W]e intend to promote greater reporting of the information that the Commission regularly collects from the utilities, either as aggregate or in specific when advisable.”)</p> <p>D.14-02-040, Conclusions of Law 6, at p. 73 (“It is in the public interest to promote greater reporting of the information that the Commission regularly collects from the utilities regarding procurement activities, either as aggregate or in specific, to the market and the CAISO, to the extent that confidentiality is not compromised.”)</p>	
<p><u>2. Track 3 - Allowing Incremental Capacity of Existing Plants or Repowered Plants to bid into RFOs.</u></p> <p>CEJA urged the Commission to adopt a rule explicitly allowing existing power plants to bid upgrades or repowers into new-generation RFOs. CEJA also pointed out specific examples where incremental capacity upgrades at existing facilities would be cost-effective. Consistent with CEJA’s position, the Decision allows these specific types of incremental capacity to bid into new-generation RFOs.</p>	<p>CEJA’s Track 3 Comments (4/26/13), at pp. 7-9 (CEJA urged the Commission to adopt a rule allowing existing power plants to bid upgrades or repowers into RFOs, and CEJA identified specific technology that would make such upgrades or repowers more cost-effective than constructing a new facility).</p> <p>CEJA’s Track 3 Reply Comments (5/10/13), at p. 5 (CEJA argued that upgrades and repowers should be allowed to bid into RFOs because these types of incremental capacity can be less expensive to ratepayers and less damaging to the environment).</p> <p>D.14-02-040, Finding of Fact 9, at p. 70 (The Commission approved allowing incremental capacity of existing plants or repowered plants to participate in long-term RFOs).</p> <p>D.14-02-040, Ordering Paragraph 2, at p. 75 (The Commission defined the terms “upgraded plants” and “repowered</p>	

	plants” in order to allow these types of incremental capacity to bid into a new generation RFO).	
<p>3. Track 3 – <u>Making QCR Reports More Transparent and Accessible to the Public</u></p> <p>CEJA argued that the utilities’ quarterly compliance reports (QCR) should be more accessible and transparent. CEJA specifically suggested that the public should be included in the revision process and that a plain language summary should be provided.</p> <p>The Track 3 Decision found that information in the QCRs is “complicated and voluminous,” and that improvements to the QCR content and formatting would help the public and Commission staff.</p> <p>To improve QCR reporting, Conclusion of Law 12 in the Proposed Decision was amended to require the Energy Division to review “public comment” to create new guidelines. Additionally, the Proposed Decision was also amended to state that “public input” would help the Commission make the best use of QCR data.</p>	<p>CEJA Track 3 Comments (4/26/13) at pp. 11-12 (CEJA urged the Commission to create a template for QCRs be created to “allow interested members of the public and regulators to easily review the information presented.”)</p> <p>CEJA & Sierra Club Track 3 Reply Comments to the PD (2/18/14) at pp. 6-7 (“CEJA and Sierra Club urge the Commission to include the public in revisions to the QCR submissions by facilitating a workshop aimed at refining the content and format of the QCRs and by including a plain language summary at the beginning of the report.”)</p> <p>D.14-02-040, Finding of Fact 18, at p. 71 (information presented in the QCRs is “complicated and voluminous”).</p> <p>D.14-02-040, Finding of Fact 19, at p. 71 (Public input into reevaluation of the QCRs would help the Commission staff).</p> <p><i>Compare</i> D.14-02-040, Conclusion of Law 12, at p. 74 <i>with</i> Track 3 PD for R.12-03-014 (1/28/14), Conclusion of Law 12, at p. 73.</p> <p>D.14-02-040, Ordering Paragraph 4, at p. 76.</p>	
<p>4. Track 3 - <u>Counting Direct Access</u></p> <p>CEJA urged the Commission to require IOUs to make and incorporate reasonable estimates of departing load, i.e. Direct Access, into their bundled procurement plans. CEJA argued that failing to do so would lead to overprocurement, which in turn could saddle ratepayers and the environment with unneeded</p>	<p>CEJA Track 3 Reply Comments (5/10/13) at pp. 1-2.</p> <p>CEJA & Sierra Club Track 3 Comments on the PD at pp. 3-4.</p> <p>D.14-02-040, Finding of Fact 5, at p. 70 (“IOUs are expected to plan for reasonable amounts of departing load”).</p> <p>D.14-02-040, Conclusion of Law 4, at p. 72.</p> <p>D.14-02-040, Ordering Paragraph 1, at pp. 74-75 (directing IOUs to “estimate</p>	

<p>infrastructure and costs.</p> <p>The Track 3 Decision required the utilities to estimate reasonable levels of departing load.</p>	<p>reasonable levels of expected Direct Access...departing load over the 10-year term of the IOUs bundled plan”).</p>	
<p><u>5. Track 4 - The SPS Should be Assumed When Calculating LCR Need.</u></p> <p>CEJA argued against California Independent System Operator’s (CAISO’s or ISO’s) refusal to consider the WECC-approved Special Protection Scheme (SPS) in SDG&E’s territory when calculating local capacity reliability (LCR) need for the SONGS study area. In general, CEJA argued that as a matter of policy the Commission should consider the probability of occurrence and cost to ratepayers in assessing need and that such consideration is a policy issue with regard to which the Commission should not defer to ISO. Specifically with respect to the SPS and load shedding, CEJA argued that because the use of the SPS as a response to a Category C contingency was allowed under NERC and WECC reliability standards, and since ISO had provided no probability analysis or cost-benefit analysis to support its position, the SPS should be considered at least an interim solution while transmission mitigations (such as the Mesa Loop-In) or generation (such as uncommitted preferred resources) are being developed. CEJA submitted written testimony and briefing on this point, worked with ORA and Sierra Club to develop the issue in discovery, and cross-examined ISO witnesses on the issue.</p>	<p>Exhibit CEJA-1 (J. May) at pp. 34-38.</p> <p>CEJA Track 4 Opening Brief at pp. 27-29.</p> <p>CEJA Track 4 Reply Brief at pp. 4-6, 14-19</p> <p>Record Transcript (RT) at pp. 1467-82.</p> <p>D.14-03-004, at pp. 36-47.</p> <p>The Commission determined that it would be prudent “to wait to see what resources develop in the SONGS service area to determine whether an SPS or other load-shedding protocol need serve as a bridge until such resources are in place. In particular, we see the likelihood that the procurement of preferred resources as authorized herein (and as acquired through other means) will develop sufficiently over time to mitigate the need for further resources, so that the SPS in SDG&E territory can be lifted and reliability at an N-1-1 contingency level can be maintained. In addition and/or alternatively, transmission solutions such as the Mesa Loop-In may mitigate the need for further resources.” D.14-03-004, at pp. 46-47.</p> <p>D.14-03-004, Findings of Fact Nos. 21-30, at pp. 125-26 (finding that “[i]n the unlikely event that an N-1-1 failure would occur in the planning period of this proceeding during summer hours, it will not lead to load shedding except for less than 2.5% of the time.”).</p> <p>D.14-03-004, Conclusions of Law 9-12, at p. 136 (“It is not reasonable to authorize procurement of additional resources at this time to mitigate load-</p>	

<p>The Commission agreed with CEJA’s position, concluding that it is not reasonable to require ratepayers to pay the cost of additional resources to fully mitigate the identified N-1-1 contingency without an SPS, and that it is reasonable to subtract 588 MW from the ISO’s forecasted LCR need “because our policy decision entails a certainty that resources will not be procured at this time to fully avoid the remote possibility of load-shedding”</p>	<p>shedding for the N-1-1 contingency identified by the ISO in the SDG&E territory.”).</p>	
<p>6. <u>Track 4 - Second Contingency Demand Response was Undercounted.</u></p> <p>CEJA argued ISO’s treatment of ‘second contingency’ demand response (DR) undercounted the DR resources likely to exist by 2022. Specifically, CEJA argued that the ISO improperly assumed that the character of DR programs that exist today are the same as will exist in 2022 and that the institution of R.13-09-11 makes it clear the Commission does not intend for DR programs to remain in stasis. CEJA argued that ISO’s calculation of need should be reduced to reflect the likelihood that such resources would be available to meet LCR need in 2022. CEJA submitted testimony and briefing and cross-examined witnesses on this issue.</p> <p>Although the Commission declined to modify ISO’s LCR analysis, it concluded that “the expectation of over hundreds of MWs of ‘second contingency’ demand resources identified by the Revised Scoping Memo cannot be disregarded.” The Commission found that there is a reasonable likelihood that more DR</p>	<p>Exhibit CEJA-1 (J. May) at pp. 14-15. CEJA Track 4 Opening Brief at pp. 41-43.</p> <p>CEJA Track 4 Reply Brief at pp. 9-14. RT at pp. 1800-1801, 2133-37, 2140-42, and 2144-46.</p> <p>D.14-03-004, at pp. 53-58.</p> <p>The Commission stated: “CEJA is correct that we expect demand response programs to evolve and improve. In the future it is reasonable to expect that some amount of what is not considered ‘second contingency’ demand response resources can be available to mitigate the first contingency, and therefore meet LCR needs.” D.14-03-004 at p. 57.</p> <p>D.14-03-004, Finding of Fact 47, at p. 124.</p> <p>D.14-03-004, Finding of Fact 71, at p. 125 (A proxy for calculating a minimum LCR need level is to calculate the LCR impact if any two likely potential scenarios (load-shedding, Mesa Loop-In, additional energy efficiency impacts, ‘second contingency demand response, energy storage, ‘second contingency’ solar PV) should occur.).</p> <p>D.14-03-004, Conclusion of Law 19, at</p>	

<p>resources will be available to meet LCR need in the future, and that it is reasonable to consider this potential as a directional indicator.</p> <p>The Commission also included ‘second contingency’ DR as one of the resources with sufficient potential to support reducing ISO’s need determination when calculating the maximum authorized procurement range.</p>	<p>p. 132.</p>	
<p><u>7. Track 4 - Solar PV Resources Will Increase in Future.</u></p> <p>CEJA argued that ISO’s treatment of ‘second contingency’ customer side solar PV undercounted the solar PV resources likely to exist by 2022. Specifically, CEJA argued that by 2022, with the likely implementation of smart inverters and a smarter grid in general, distributed generation such as customer side PV will provide manageable power located in the affected area that can reduce peak loads, reduce transmission line loss, and provide ancillary services such as reactive power and voltage support.</p> <p>The Commission declined to alter the ISO’s study results because it found it had insufficient information regarding the location of solar PV, but the Commission found that it is likely solar PV will increase in the future and used it as a proxy for calculating minimum LCR need.</p>	<p>Exhibit CEJA-1 (J. May) pp. 12-15. CEJA Track 4 Opening Brief at p. 43. D.14-03-004, at pp. 63, 70-73. D.14-03-004, Finding of Fact 55, at p. 125 (“It is likely that Commission programs and the marketplace will increase the amount of solar PV in the future.). D.14-03-004, Finding of Fact 71, at p. 125 (A proxy for calculating a minimum LCR need level is to calculate the LCR impact if any two likely potential scenarios (load-shedding, Mesa Loop-In, additional energy efficiency impacts, ‘second contingency demand response, energy storage, ‘second contingency’ solar PV) should occur.).</p>	
<p><u>8. Track 4 - The Energy Storage Decision Targets Should Reduce LCR Needs.</u></p> <p>CEJA argued that with the energy storage procurement anticipated in D.13-10-040 complete by 2020 and</p>	<p>Exhibit CEJA-1 (J. May) at pp. 46-48. CEJA Comments in Response to Question Raised By ALJ Gamson During the September 4, 2013 Pre-Hearing Conference at pp. 3-5.</p>	

<p>deploying relatively quickly, most, if not all of that decision’s storage targets should be available by 2022. CEJA recommended the Commission lower its LCR need determination to reflect SCE’s and SDG&E’s energy storage targets. CEJA submitted testimony, briefs, comments, and conducted cross-examination on this issue.</p> <p>Although the Commission did not lower the LCR need based on energy storage, the Commission determined that the targets and requirements of D.13-10-040 “lead to a conclusion that energy storage resources will reduce LCR needs in the SONGS service area in the future.” The Commission then concluded it is reasonable to consider the potential for energy storage as a directional indicator, and included energy storage among the potential resources justifying a reduction of the ISO’s need calculation.</p>	<p>CEJA Track 4 Opening Brief at pp. 34-39.</p> <p>CEJA Track 4 Reply Brief at pp. 20-23.</p> <p>D.14-03-004, at pp. 58-61, 70-73.</p> <p>D.14-03-004, Finding of Fact 50, at p. 124; Finding of Fact 71 at p. 125 (A proxy for calculating a minimum LCR need level is to calculate the LCR impact if any two likely potential scenarios (load-shedding, Mesa Loop-In, additional energy efficiency impacts, ‘second contingency demand response, energy storage, ‘second contingency’ solar PV) should occur.).</p> <p>D.14-03-004, Conclusions of Law 20 and 21 at p. 132.</p> <p>RT at p. 1903.</p>	
<p><u>9. Track 4 - The Energy Efficiency Estimate Should Be Revised.</u></p> <p>CEJA argued for consideration of the September 2013 CEC draft demand forecast as the most recent publicly available information regarding energy efficiency and demand, and argued that the data in the August 2012 IEPR provided an incomplete basis upon which to estimate energy savings through 2022. CEJA also argued that the Revised Scoping Memo’s direction to CAISO to use the “low level of [EE] savings for use in this set of studies” in SDG&E’s local capacity area was inappropriate in light of the fact that SDG&E’s service territory was the same as its local</p>	<p>CEJA Track 4 Opening Brief at pp. 17-22, 23-24.</p> <p>D.14-03-004 at pp. 34-36, 62-63, 70-73.</p> <p>D.14-03-004, Finding of Fact 52, at p. 129.</p> <p>D.14-03-004, Conclusion of Law 22, at p. 137.</p>	

<p>capacity area, and the LCR need in the SDG&E territory should be reduced by 152 MW.</p> <p>The Commission did not update assumptions based on the 2013 demand forecast, but found based on the record that updates to the demand forecast are reasonably likely to lower LCR needs, determined that it is reasonable to consider the potential for such reduction as a directional indicator, and included additional EE among the potential resources justifying a reduction of the ISO's need calculation. The Commission agreed with CEJA's position that the Revised Scoping Memo should have used the mid-level energy efficiency estimate and adjusted the ISO study results by 152 MW.</p>		
<p>10. <u>Track 4 - Transmission Solutions Should be Considered.</u></p> <p>CEJA argued for consideration of the transmission solutions, including the Mesa Loop-In, a 500 kV Direct Current (DC) transmission project from Imperial Valley to SONGS, and a 500 kV regional transmission project from Devers Substation to a new 230 kV substation in north San Diego County. ISO did not consider any of the multiple potential transmission solutions that were identified by CEJA.</p> <p>The Commission found that there was insufficient information to make a specific finding that any transmission project will be able to reduce LCR needs in the SONGS area by 2022. However, the Commission found based on the record that the proposed transmission solutions in the record</p>	<p>Exhibit CEJA-1 (J. May) at pp. 4-5. CEJA Track 4 Opening Brief at pp. 30-32. D.14-03-004, at pp. 51-53, 70-73. D.14-03-004, Findings of Fact 34-44, at pp. 127-28. D.14-03-004, Conclusion of Law 15-17, at pp. 136-37.</p>	

<p>would most likely lower LCR need if completed in time, and that there is a reasonable possibility at least one of the transmission solutions discussed will be operational by 2022, with the Mesa Loop-In being the most likely. The Commission included the identified transmission solutions among the potential resources justifying a reduction of the ISO's need calculation.</p>		
<p>11. <u>Track 4 - The ISO Study Did Not Account for Many Resources</u></p> <p>CEJA identified between 3549 and 4671 MW of resources and transmission solutions not accounted for by the ISO.</p> <p>The Commission found that the 4600 MW of resources not included in the ISO study had been identified by the parties and that it is reasonable to conclude that between 13% and 22% of those resources would be available to reduce LCR need in 2022.</p>	<p>Exhibit CEJA-1 (J. May) at p. 3.</p> <p>D.14-03-004, at p.73.</p> <p>D.14-03-004, Findings of Fact 65, 66, 67.</p>	

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?¹</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:</p> <p>The Office of Ratepayer Advocates and Sierra Club California were the primary intervenors taking positions similar to CEJA. Other parties that have taken some similar positions include the Natural Resources Defense Council, the Clean Coalition, TURN, CEERT, the Protect Our Communities Foundation, Union of Concerned Scientists, Environmental Defense Fund, and Vote Solar Initiative.</p>		

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.

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:

Throughout Track 3, CEJA and Sierra Club California coordinated their efforts in order to avoid duplication. CEJA and Sierra Club agreed to file separate comments where the arguments would supplement or complement each other; when the arguments were aligned, CEJA and Sierra Club drafted and filed joint comments. For example, CEJA and Sierra Club filed separate Opening Comments on November 2, 2012. In those comments, CEJA and Sierra Club took different yet complementary positions and approaches to the issues: CEJA discussed concerns with the Independent Evaluator while Sierra Club discussed the Bagley Keene Act. Subsequently, CEJA and Sierra Club jointly filed Reply Comments on November 30, 2012 since both parties' responses to the other parties' opening comments were consistent with each other. Working together on these and other issues minimized internal drafting time and the potential for duplication. As reflected by the timesheets, the time CEJA spent on Track 3 was minimal.

In Track 4, CEJA similarly coordinated with Sierra Club as well as the Office of Ratepayer Advocates. CEJA was in regular contact with these organizations to discuss positions and ensure that duplication was avoided. Before submitting comments, briefs, and testimony in the case, CEJA discussed proposed coverage with these parties to prevent duplication.

In particular, CEJA, Sierra Club, and ORA avoided duplication by working jointly in discovery and discussing expert testimony coverage. Throughout discovery, the three parties and, frequently, Clean Coalition, communicated regularly via phone and e-mail to determine what information was needed in the form of data requests from CAISO, SCE, and SDG&E. CEJA, ORA, Sierra Club and sometimes Clean Coalition subsequently submitted eleven joint data requests to CAISO, SCE, and SDG&E between July and October of 2013, not only saving time and effort for themselves, but for the IOUs and CAISO as well. Similarly, CEJA, Sierra Club, and ORA determined that they all held similar positions on CAISO's failure to include the full range of reactive power resources from its 2012-13 Transmission Plan in the local capacity studies without SONGS. As such, on June 28, 2013 they filed a joint motion asking the Commission to correct that failure. CEJA, ORA and Sierra Club also ensured that their experts spoke during this discovery period to ensure that the testimony each party was developing was complementary and not duplicative.

CEJA continued to coordinate throughout the proceeding. Prior to the evidentiary hearings, CEJA and Sierra Club coordinated their questions

and strategy to avoid repetition. Likewise, before submitting testimony, the experts for CEJA and Sierra Club conferred to avoid duplication and ensure they both complemented and supplemented each other's work.

When similar issues were covered, CEJA provided analysis, studies, and expert opinions which highlighted its own arguments from its perspective as an alliance of environmental justice organizations. For example, CEJA's expert, Julia May, has significant experience related to air quality and working with communities impacted by fossil fuel facilities. This experience was distinct from other experts. CEJA's representation of environmental justice communities that could be potentially impacted by a decision enriched the record. Due to this coordination and CEJA's unique representation of EJ communities, CEJA's contributions resulted in a complementary presentation. A review of the decision reveals that when multiple parties worked on an issue, the results were cumulative, not duplicative. Multi-party participation was necessary in light of the many parties advocating opposing positions for nearly every issue.

Due to the extensive efforts made to both complement and supplement the work of the aforementioned parties and to avoid duplication, CEJA was able to offer its own unique perspective on a wide range of issues as the lone organization advocating for environmental justice communities. As a result of these efforts, the final decisions in this proceeding cited CEJA's arguments, testimony, experts, and discovery throughout.

C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Claimant	CPUC	Comment
1	CEJA contributed to the Track 3 and 4 Decisions by arguing for the importance of following the Loading Order and environmental requirements.		CEJA provided substantial testimony from its expert as well as arguments in comments and briefing about the importance of ensuring that CAISO, SCE, and SDG&E follow the Loading Order and GHG reduction goals in the procurement process. The Commission agreed with CEJA when it upheld these assertions in the Track 3 Final Decision at pp. 11-12, and in the Track 4 Final Decision at pp. 12-16 and Order 11. For example, Conclusion of Law 41 in the Track 4 decision stated: "SCE's proposal to add its additional Track 4 procurement requirement to its Track 1 authorization from D.13-02-015, without any specification of resource type, is not consistent with Commission policies to adhere to the Loading Order."
2	CEJA contributed to the Track 4 Decision by supporting the concept of a		CEJA supported the concept of SCE's Living Pilot program, but recommended that the Commission consider it in a different, more appropriate proceeding. Comments of CEJA, Sierra Club, and Protect Our Communities Foundation Regarding Scheduling Issues (9/10/13) at p. 11; CEJA Track 4 Reply Brief (12/16/13) at p. v, 26.

	Living Pilot	The Commission found in Finding of Fact 56 that the Living Pilot was a “promising concept.” The Commission also “strongly encourage[d] SDG&E to pursue its own Living Pilot.” D.14-03-004, at p. 66.
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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>CEJA is asking for \$288,336 in fees and costs for its advocacy in Tracks 3 and 4 of the proceeding. CEJA participated in all major aspects of these Tracks, including filing multiple briefs, comments, extensive testimony, and conducting substantial discovery. CEJA also participated in workshops and hearings, including cross-examining numerous CAISO, SCE, and SDG&E witnesses. In general, CEJA advocated for consideration of preferred resources and no unneeded procurement in the SONGS area. CEJA’s arguments were relied upon to lower the total procurement authority requested by CAISO, SCE, and SDG&E, and to require minimum amounts of preferred resource procurement for the two utilities.</p> <p>CEJA’s participation in this proceeding also directly contributed to the Commission’s Track 3 decision to make QCRs more understandable and accessible to the public. PG&E, SCE, and SDG&E all recommended maintaining the status quo which would have kept QCRs from providing any clear information to the community at large. In contrast, CEJA requested an increase in transparency within the procurement process to ensure meaningful public participation. CEJA also provided detailed information on the value of allowing existing power plants to bid upgrades or repowers into new-generation RFOs.</p> <p>CEJA’s extensive participation and detailed filings and testimony ensured the Commission had sufficient information to make a determination from the record. CEJA’s request for fees and costs is likely to be a very small portion of the benefits that utility customers are likely to ultimately realize due to the reduction in unnecessary procurement, increased utilization of preferred resources, and rule changes regarding QCRs, transparency, and RFO bidding.</p>	<p>CPUC Verified</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>CEJA participated in all major aspects of Tracks 3 and 4 of this</p>	

proceeding, including filing multiple briefs, comments, extensive testimony, and conducting substantial discovery. CEJA also participated in workshops and hearings, including cross-examining numerous witnesses. CEJA's testimony and filings include hundreds of pages of detailed substantive analysis. The amount of time CEJA spend on the proceeding is reasonable considering CEJA's extensive participation in and contribution to a wide range of issues in both Tracks.

CEJA and the Environmental Law and Justice Clinic (ELJC) were conscious of using staff with the appropriate amount of work experience for the tasks they performed; tasks that were appropriate for law students were mainly handled by law students, while tasks that required more experience were handled by more experienced attorneys or experts. This kept fees reasonable. In addition, the hours claimed do not include time spent on issues ultimately not addressed in the decision and time spent mentoring or assisting students. The rates requested for these tasks are at the low end of the ranges authorized by the Commission for attorneys, experts, and law students.

Deborah Behles took on a lead role for much of Track 3 and the early stages of Track 4; James Corbelli and David Zizmor shared the lead role for Track 4 beginning in September 2013. Behles, Corbelli, and Zizmor all coordinated with co-counsel, Shana Lazerow, to ensure that internal duplication was avoided, and if duplication did occur, we have removed it from the timesheet. When possible, junior attorneys took a lead role for CEJA. For example, law students took a lead role in research and writing briefing and one law student represented CEJA at a pre-hearing conference. The briefings CEJA submitted in this proceeding included significant amounts of research on many topics. When students or a junior attorney were not available, or when deadlines would not allow for student participation, CEJA's attorneys took lead roles in writing briefs and comments.

CEJA's expert, Julia May, reviewed briefs and comments throughout the proceeding to ensure technical accuracy. Considering the wide range of topics that she reviewed, her time is reasonable.

CEJA and ELJC made significant cuts in the timesheets. CEJA and ELJC are not requesting time for over 1000 hours that it found to be duplicative or excessive. (ELJC has retained the log of the over 1000 hours that were removed if the Commission wishes to review it.) CEJA and ELJC did a detailed review to eliminate duplication. For example, for meetings and hearings, CEJA and ELJC are only requesting time for the primary attorney who appeared at the meeting or hearing. CEJA is not requesting time for multiple attorneys for meetings or hearings. In addition, the hours claimed do not request hours on time spent assisting students or for tasks that were

<p>clerical in nature. CEJA also removed hours related to preparing briefs and comments that it deemed excessive and eliminated the majority of hours used for internal collaboration.</p> <p>c. Allocation of Hours by Issue</p> <p>CEJA divided its work into five different issues: (1) General Procurement Policy Issues; (2) Transmission-Related Issues; (3) Resource Assumptions; (4) Hearings, Meetings, and Coordination; (5) General Work on the LTPP. The detailed breakdown for each issue is provided in the timesheets, which are attached to this request.</p> <p>Issue 1: 11.7% Issue 2: 36.9% Issue 3: 45.3% Issue 4: 4.4% Issue 5: 1.8%</p> <p>As the breakdown demonstrates, CEJA spent the majority of its time working on the substantive issues in the proceeding. It only spent around 6% of its total time on hearings, meetings, coordination, and general work in the proceeding.</p>	
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B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Deborah Behles	2012	17.85	\$315	Resolution ALJ-287, Table 1; Comment 1	\$5,622			
Deborah Behles	2013	57.2	\$330	Resolution ALJ-287, Table 1; Comment 1	\$18,876			
Deborah Behles	2014	20.7	\$340	Resolution ALJ-287, Table 1; Comment 1	\$7,038			
James Corbelli	2013	246.5	\$310	Resolution ALJ-287, Table 1; Comment 2	\$76,415			
James Corbelli	2014	43.25	\$325	Resolution ALJ-287, Table 1; Comment 2	\$14,056			

Shana Lazerow	2013	49.7	\$336	Resolution ALJ-287, Table 1; Comment 3	\$16,699			
Shana Lazerow	2014	3.4	\$342	Resolution ALJ-287, Table 1; Comment 3	\$1162			
David Zizmor	2013	252.5	\$210	Resolution ALJ-287, Table 1; Comment 4	\$53,025			
David Zizmor	2014	56.3	\$210	Resolution ALJ-287, Table 1; Comment 4	\$11,823			
Heather Lewis	2013	17.8	\$160	Resolution ALJ-287, Table 1; Comment 5	\$2,848			
Julia May	2013	183.6	\$230	Resolution ALJ-287, Table 1; Comment 6	\$42,228			
Julia May	2014	10.5	\$240	Resolution ALJ-287, Table 1; Comment 6	\$2,520			
<i>Subtotal: \$252,312</i>						<i>Subtotal: \$</i>		
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 \$
Clinical Law Students	2013	198.55	\$100	D.11-03-025, D.04-04-12, Comment 7	\$19,855			
Clinical Law Students	2014	93.3	\$100	D.11-03-025, D.04-04-12, Comment 7	\$9,330			
<i>Subtotal: \$29,185</i>						<i>Subtotal: \$</i>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Clinical Law Students	2014	34.5	\$100	D.11-03-025, D.04-04-12, Comment 8	\$3,450			
Shana	2014	5.5	\$171	Comment 8	\$940			

Lazerow								
David Zizmor	2014	14	\$105	Comment 8	\$1,470			
<i>Subtotal: \$5,860</i>						<i>Subtotal: \$</i>		
COSTS								
#	Item	Detail			Amount	Amount		
1	Postage Costs	Costs to send testimony, comments, and briefs			\$55			
2	Copying Costs	221 copies at 10 cents each			\$22			
3	Travel Costs	Airfare, transportation, meals for two CEJA representatives to travel from LA to San Francisco <i>See Comment 9</i>			\$902			
<i>Subtotal: \$979</i>								
TOTAL REQUEST: \$288,336						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 are compensated at ½ of preparer’s normal hourly rate.

Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Deborah Behles	December 21, 2001	218281	No
James Corbelli	December 12, 1983	111338	No
David Zizmor	June 2, 2008	255863	No
Shana Lazerow	June 4, 1998	195491	No
Heather Lewis	December 3, 2013	291933	No

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

Attachment or Comment #	Description/Comment

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

Attachment 1	Certificate of Service
Attachment 2	CEJA Timesheets
Attachment 3	CEJA Expenses and Receipts
Attachment 4	Resumes of James Corbelli, David Zizmor, and Heather Lewis (the Resumes of Deborah Behles, Shana Lazerow and Julia May were attached to CEJA's Track I Request for Compensation, filed April 12, 2013).
Comment 1	Deborah Behles has been practicing environmental law since 2001 and has been practicing at the ELJC since 2008. She has represented parties in several Commission proceedings since 2008. In D.13-12-022, the Commission approved a rate of \$315 per hour for her work in 2012. We ask for that same rate in 2012 and request modest step increases pursuant to ALJ-287 in 2013 and 2014. These rates reflect the lowest rate for her experience with the authorized step adjustment.
Comment 2	James Corbelli has been practicing law since 1983. He has handled a variety of civil and technical matters during his career. His resume is attached to this request. Pursuant to ALJ-287, we request \$310 for his work in 2013, which is the lowest level for attorneys with over 13 years of experience. We request \$325 for Mr. Corbelli's work in 2014, which represents the 5% step increase authorized by ALJ-287.
Comment 3	Shana Lazerow is Chief Litigation Attorney at CBE. She graduated from law school at the University of California, Los Angeles in 1997. She has practiced environmental and administrative law for more than 13 years, and has held the position of Chief of Litigation at CBE since 2005. Ms. Lazerow received a rate of \$320 for her 2012 work in the 2010 LTPP. <i>See</i> D.13-10-014. We request \$336 for her work in 2013 which represents the 5% increase authorized by ALJ-281 and ALJ-287, and \$342 for her work in 2014 which represents the 2% cost-of-living adjustment authorized by ALJ-287.
Comment 4	David Zizmor is a Graduate Fellow at the Environmental Law and Justice Clinic. He graduated from law school at Golden Gate University School of Law in 2007, and was admitted into the California Bar in June 2008. His resume detailing his experience is attached to this request. Pursuant to ALJ-287, his requested rate is \$210, which is the lowest rate for an attorney with his experience.
Comment 5	Heather Lewis is a Legal Fellow at Communities for a Better Environment and a graduate of New York University School of Law. As reflected in her resume, she has diverse environmental law experiences and background. Her resume is attached to this request. She was admitted into the California Bar on December 3, 2013. Her work on the proceeding that we are requested compensation for occurred after that date. Based on Resolution ALJ-287, her requested rate is \$160, which is the lowest rate for an attorney with her experience.
Comment 6	Julia May is Senior Staff Scientist at Communities for a Better Environment. For more than twenty years, Ms. May has been providing technical advice to community members concerning environmental and energy-related matters. Ms. May holds a BS in Electrical Engineering from University of Michigan, Ann Arbor (1981). Based on Resolution ALJ-281, her requested rate of \$220 is the lowest reasonable rate for an

	expert of her experience. Her 2013 rate of \$230 and her 2014 rate of \$240 reflect the percentage rate increase authorized in Resolutions ALJ-267, ALJ-281 and ALJ-287. Ms. May provided invaluable testimony concerning many of the technical questions presented in Track IV, which enabled CEJA to make its significant contribution.
Comment 7	A rate of \$100 per hour for law student work was approved in D.13-12-022, D.13-10-014, and D.11-03-025. D.04-04-012 also approved ELJC law students for a rate of \$90 per hour for work done in 2003. The rate took into account that the ELJC law students received academic credits for the work they did. D.07-04-032 approved \$100 per hour for work a law student did in 2006. CEJA requests the same \$100 per hour rate for law students that was previously approved in D.11-03-025, D.13-10-014, and D.13-12-022.
Comment 8	D.04-04-012 cites the usual method of cutting in half the approved rate of an attorney for work done on applications for intervenor compensation because the task does not need the expertise of an attorney. However, D.04-04-012 did award the full rate approved for ELJC law students for time spent on the application for intervenor compensation. Accordingly, we have cut the attorney rate for time spent on the application for intervenor compensation in half, while leaving the law student rate the same. As these rates were approved in D.11-03-025 and D.13-10-014, CEJA requests their approval in this proceeding as well. (Note: D.13-12-022 awarded ELJC Law Students \$50 for work on the Intervenor Compensation claim. We believe that this rate was in error, and further it is inconsistent with D.11-03-025 and D.13-10-014).
Comment 9	A community member and a staff member from CEJA flew up to San Francisco to participate in discussions related to the then-proposed Track 4 decision. Their expenses (with receipt) detailed in the attached cost spreadsheet.

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 (<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 California Environmental Justice Alliance 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:

See attached Service List.

Executed this 12th day of May, 2013, at San Francisco,
California.

/s/ David Zizmor

David Zizmor

Golden Gate University School of Law
Environmental Law & Justice Clinic
536 Mission Street
San Francisco, CA 94105-2968