

Decision _____

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 13-12-010 (Filed December 19, 2013)
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**INTERVENOR COMPENSATION CLAIM OF L. JAN REID
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF L. JAN REID**

Intervenor: L. Jan Reid	For contribution to May 14, 2014 Ruling of ALJ Gamson	
Claimed: \$ 15,032.14	Awarded: \$	
Assigned Commissioner: Michael Picker	Assigned ALJ: David 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/ L. Jan Reid		
Date: August 13, 2014	Printed Name:	L. Jan Reid

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

A. Brief description of Decision:	The ALJ adopted technical updates recommended by the Energy Division, on Planning Assumptions and Scenarios for use in the 2014 Long Term Procurement Plan (LTPP) and the 2014-15 California Independent System Operator (CAISO) Transmission Planning Process (TPP).
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	February 25, 2014	
2. Other specified date for NOI:		
3. Date NOI filed:	March 27, 2014	

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:	R.12-03-014	
6. Date of ALJ ruling:	March 25, 2013	
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status? Yes		
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.12-03-014	
10. Date of ALJ ruling:	March 25, 2013	
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship? Yes		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	May 14, 2014 Ruling of ALJ Gamson	
14. Date of issuance of Final Order or Decision:	May 14, 2014 Ruling of ALJ Gamson	
15. File date of compensation request:	August 13, 2014	
16. Was the request for compensation timely? Yes		

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

#	Intervenor’s Comment(s)	CPUC Discussion
16	A final decision closing proceeding R.13-12-010 has not been issued. Therefore, the request is timely pursuant to Public Utilities Code § 1804(c).	

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

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. Nuclear Retirement Scenario (See Section II.C)</p>	<p>Reid argued that “An Early Nuclear Retirement scenario or sensitivity would provide valuable information to both the Commission and the parties and would assist in the Commission’s resolution of the nuclear retirement issue. Therefore, I recommend that an Early Nuclear Retirement scenario or sensitivity be per-formed for the planning period 2014-2024. The Early Nuclear Retirement scenario or sensitivity should assume that the Diablo Canyon facility will be retired in 2015.” (Comments of L. Jan Reid on Planning Assumptions, January 8, 2014 [Reid Comments], p. 7</p> <p>The Commission has stated that “Diablo Canyon Power Plant (DCPP) is assumed to have obtained renewal of licenses to continue operation beyond 2025 by default. The alternative assumption is retirement in 2023, in order to explore the impact of a loss of DCPP within the first 10 year planning horizon [2014-2024].” (Ruling Attachment, p. 27)</p> <p>Since the alternative assumption is similar to Reid’s recommendation, Reid made a substantial contribution to the Commission’s resolution of the Nuclear Scenario Retirement issue.</p>	

<p>2. Low Load Scenario (See Section II.C)</p>	<p>Reid advised that a low load scenario be modeled and explained that “The Commission has an obligation under Public Utilities Code Section (PUC §) 451 to protect ratepayers and to ensure that rates are just and reasonable. Consistent with PUC § 451, the Commission must protect ratepayers from resource over-procurement associated with uncertainties such as a decline in load faced by the IOUs.” (Reid Comments, p. 5)</p> <p>The Commission apparently intends to use the CEC’s low load scenario to account for possible declines in IOU load. The Commission states that “The low incremental projection is created by subtracting the self-generation PV projection embedded in the CED ‘Mid’ load case (mid PV projection) from the self-generation PV projection embedded in the CED ‘Low’ load case (high PV projection).” (Ruling Attachment, p. 12)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Low Load Scenario issue.</p>	
<p>3. Scenario Tool (See Section II.C)</p>	<p>Reid pointed out that “In the CEC Siting Cases tab of the Scenario Tools document, ‘Under Review Total’ should include the Sun Valley peaker project (cell E165), because the Sun Valley peaker project will be removed from suspended status in 2014.” (Reid Comments, p. 5)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Scenario Tool issue.</p>	

<p>4. RPS Calculator (See Section II.C)</p>	<p>Reid identified eight separate errors in the RPS calculator. (See Reid Comments, p. 6)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the RPS Calculator issue.</p>	
<p>5. Energy Storage (See Section II.C)</p>	<p>Reid made four recommendations concerning energy storage. Reid recommended that:</p> <ol style="list-style-type: none"> (1) “Energy storage capacity should be counted in both zonal production cost simulations and in power flow studies.” (Reid Comments, pp. 7-8) (2) The Energy Division should “use the information from the IOUs’ first energy-storage RFO to estimate the location and characteristics of future energy storage projects.” (Reid Comments, p. 9) (3) There are three categories of energy storage: transmission, distribution, and customer-sited. Transmission energy storage and distribution energy storage should be modeled as dispatchable resources. Customer-sited energy storage should be modeled as a fixed profile. (Reid Comments, p. 10) (4) The Commission should not adopt Southern California Edison Company’s (SCE’s) recommendation that Energy Storage be removed from the base forecast. (Reid Reply Comments, p. 6) 	

	<p>Reid argued that “It is not reasonable to assume that all energy storage should not be counted just because 200 megawatts (MW) of energy storage may be used to store customer-side generation.” (Reid Comments, p. 8)</p> <p>The Commission admitted that “the assumption that half of distribution-connected storage and all of customer-side storage does not provide capacity or flexibility probably undercounts their value.” (Ruling Attachment, p. 19)</p> <p>SCE opposed the inclusion of energy storage in the 2014 LTPP modeling effort. SCE argued that “If energy storage is included in the base forecast, it may be difficult to identify whether that energy storage is being utilized in an efficient manner.” (SCE Comments, p. 4)</p> <p>Reid opposed SCE’s recommendation and argued that: (Reid Reply Comments, p. 6)</p> <p>“SCE does not discuss whether other resources are being used in an efficient manner—only energy storage. If the Commission adopts SCE’s proposal, it will lead to the unnecessary procurement of expensive fossil fuel resources. Consistent with PUC § 451, the Commission must protect ratepayers from resource over-procurement.”</p> <p>The Commission did not adopt SCE’s recommendation concerning the modeling of energy storage.</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Energy Storage issue.</p>	
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<p>6. Incremental Small CHP and Small PV (See Section II.C)</p>	<p>Reid argued that “Both small PV and small CHP should be treated as a supply-side resource and not as a simple reduction in demand. In resource modeling, there is a mathematical difference between a supply-side resource and a reduction in demand. Almost any resource could be treated as a reduction in demand. For example, a must-run fossil fuel plant could be treated as a reduction in demand.” (Reid Comments, pp. 10-11)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Incremental Small CHP and Small PV issues.</p>	
<p>7. Forecast Assumptions</p>	<p>Reid argued that “The CEC’s forecast assumptions will have a material impact on the CPUC’s scenario results. Neither the parties nor the general public have had a fair opportunity to participate in the development of important forecast assumptions. Therefore, I recommend that the CPUC allow parties to litigate all forecast assumptions during the instant rulemaking.” (Reid Comments, pp. 11-12)</p> <p>Although the Commission did not agree with Reid on this issue, Reid made a substantial contribution to the Commission’s resolution of the Forecast Assumptions issue.</p>	

<p>8. Demand Response</p>	<p>Reid recommended that “Staff use the historical growth rate of demand response in order to estimate more accurately the future magnitude of demand response.” (Reid Comments, p. 12)</p> <p>The Commission stated that “The default planning assumptions accounting for DR capacity are admittedly conservative given CPUC expectations to restructure programs and expand capacity in the recently opened DR Rulemaking R.13-09-011.” (Ruling Attachment, p. 22)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Demand Response issue.</p>	
<p>9. Modeling Priorities</p>	<p>The Office of Ratepayer Advocates (ORA) recommended that the Commission adopt the Trajectory scenario, the High Load scenario, and the Expanded Preferred Resources scenario for use in the Operating Flexibility modeling: (ORA Comments, p. 1)</p> <p>In his workshop reply comments, Reid opposed the ORA’s recommendations. (See Reply Comments of L. Jan Reid on Planning Assumptions, January 15, 2014, (Reid Reply Comments), pp. 2-6)</p> <p>The Commission did not adopt ORA’s recommendation. Thus, Reid made a substantial contribution to the Commission’s resolution of the Modeling Priorities issue.</p>	

<p>10. Modification of Planning Assumptions</p>	<p>San Diego Gas & Electric Company (SDG&E) proposed that “The Commission should permit resource planners to apply their expert judgment in order to make necessary determination and then document the basis for such determinations in the study results.” (SDG&E Workshop Comments, p. 3)</p> <p>Reid opposed SDG&E’s proposal and argued that: (Reid Workshop Reply Comments, p. 7)</p> <p>“The LTPP studies are not simply a planning exercise, nor do they constitute an academic study. The planning assumptions will affect the modeling results. If planning assumptions change, the modeling results will change.”</p> <p>“Parties will refer to the modeling results in order to increase the credibility of their testimony and comments. Thus, the planning assumptions will have real consequences in the 2014 LTPP cycle.”</p> <p>“If the Commission adopts SDG&E’s proposal, it will have effectively transferred regulatory authority from the Commission to 'resource planners,' to the possible detriment of ratepayers.”</p> <p>The Commission did not adopt SDG&E’s proposal concerning the modification of planning assumptions.</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Modification of Planning Assumptions Issue.</p>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
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?	No.	
c. If so, provide name of other parties: N/A.		
<p>d. Intervenor's claim of non-duplication:</p> <p>Reid met with the ORA and TURN throughout the course of the proceeding to understand the nature of their comments and pleadings, and thus to avoid duplication. Reid does not seek compensation for most of these meetings. As a matter of personal policy, Reid does not participate in Commission proceedings where his showing is likely to duplicate the showings of other consumer representatives such as the ORA and TURN. For example, Reid did not serve testimony in Phase 2 of A.12-04-018 because his showing would likely have duplicated the showings of the ORA and TURN.</p> <p>Reid had no positions similar to either ORA or TURN in any of the issues identified by Reid in Section II.A above. Therefore, Reid's compensation in this proceeding should not be reduced for any duplication with respect to the showings of other parties. In a proceeding with subject matter as complex as in this one and with multiple parties, it is virtually impossible for Reid or any party to fully anticipate where showings of other parties may duplicate some of Reid's showing, especially in view of the need to make a coherent and sufficient showing on the issues Reid emphasizes and on the ultimate issues.</p> <p>Given these circumstances, no reduction to Reid's requested compensation due to duplication is warranted, pursuant to the standards adopted by the Commission in D.03-03-031.</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.

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

#	Intervenor's Comment	CPUC Discussion
1-6	<p>On December 19, 2013, Administrative Law Judge (ALJ) David Gamson issued an email ruling (Ruling) concerning parties' comments on the planning assumptions and scenarios proposed at the December 18, 2013 workshop in the Long Term Procurement Plan (LTPP) proceeding.</p> <p>The Ruling requested that parties comment on the Key Technical Questions provided by Energy Division Staff (Staff) in a separate attachment. As part of my January 8, 2014 Workshop Comments, I provided answers to the ALJ's questions. (See Reid Workshop Comments, Section V)</p> <p>Due to the fact that some of Reid's comments were in response to the ALJ's questions, Reid should be compensated in full for time reasonably spent answering the ALJ's questions.</p>	

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

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

a. Intervenor's claim of cost reasonableness:	CPUC Discussion
<p>Reid contributed to the proceeding in a manner that was productive and will result in benefits to ratepayers that exceed the costs of participation.</p> <p>In consolidated Rulemaking 97-01-009 and Investigation 97-01-010, the Commission required intervenors seeking compensation to show that they represent interests that would otherwise be underrepresented and to present information sufficient to justify a finding that the overall benefits of a customer's participation will exceed the customer's costs. (D.98-04-059, 79 CPUC2d 628, Finding of Fact 13 at 674, Finding of Fact 42 at 676) The Commission noted that assigning a dollar value to intangible benefits may be difficult.</p> <p>As mentioned previously, Reid made a substantial contribution to the proceeding on a number of issues. It is reasonable to assume that the resolution of the issues raised in this proceeding will benefit ratepayers in the future.</p> <p>The Commission can safely find that the participation of Reid in this proceeding was productive. Overall, the benefits of Reid's contributions to R.13-12-010 justify compensation in the amount requested.</p>	

<p>b. Reasonableness of hours claimed:</p> <p>All of Reid’s work in this proceeding was performed by L. Jan Reid. Thus, no unnecessary internal duplication took place.</p> <p>In this pleading, Reid requests compensation in the total amount of \$15,032.14 for time reasonably devoted to this proceeding. A more detailed breakdown of the time devoted to this proceeding by Reid is provided in Attachment A to this pleading.</p> <p>Reid’s work was performed efficiently. L. Jan Reid is a former Commission employee who has testified on many occasions on issues such as long term procurement plans, renewables procurement, cost-of-capital, utility finance, and electricity and natural gas procurement issues.</p> <p>Reid has allocated his professional time to major subjects, except for general activities that cannot reasonably be assigned to substantive issues. See Section III.A.c below for more detail.</p>																							
<p>c. Allocation of hours by issue:</p> <table border="0"> <tr> <td>CHP and PV</td> <td>5.53%</td> </tr> <tr> <td>Demand Response</td> <td>2.69%</td> </tr> <tr> <td>Energy Storage</td> <td>9.79%</td> </tr> <tr> <td>Forecast Assumptions</td> <td>1.90%</td> </tr> <tr> <td>Low Load Scenario</td> <td>2.05%</td> </tr> <tr> <td>Modeling Priorities</td> <td>13.74%</td> </tr> <tr> <td>Modification of Planning Assumptions</td> <td>3.00%</td> </tr> <tr> <td>Nuclear Retirement Scenario</td> <td>5.53%</td> </tr> <tr> <td>RPS Calculator</td> <td>3.63%</td> </tr> <tr> <td>Scenario Tool</td> <td>1.90%</td> </tr> <tr> <td>General</td> <td>50.24%</td> </tr> </table>	CHP and PV	5.53%	Demand Response	2.69%	Energy Storage	9.79%	Forecast Assumptions	1.90%	Low Load Scenario	2.05%	Modeling Priorities	13.74%	Modification of Planning Assumptions	3.00%	Nuclear Retirement Scenario	5.53%	RPS Calculator	3.63%	Scenario Tool	1.90%	General	50.24%	
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Scenario Tool	1.90%																						
General	50.24%																						

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
[Attorney 1]								
[Attorney 2]								
L. Jan Reid, Expert and Advocate	2014	63.3	215	D.13-12-018, Part III.B, slip op. at 14.	13,609.50			
[Expert 2]								
[Advocate 1]								
[Advocate 2]								
Subtotal: \$ 13,609.50						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 \$
L. Jan Reid wrote an NOI	2014	5.3	107.50	D.13-12-018, Part III.B, slip op. at 14. Half of adopted rate of \$215.00/hr. which is \$107.50/hr.	569.75			
[Person 2]								
Subtotal: \$569.75						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
L. Jan Reid	2014	7.7	107.50	D.13-12-018, Part III.B, slip op. at 14. . Half of adopted rate of \$215.00/hr. which is \$107.50/hr.	827.75			
[Preparer 2]								
Subtotal: \$827.75						Subtotal: \$		
COSTS								
#	Item	Detail			Amount	Amount		
1	Postage	Postage for 2014 (See Attachment A)			\$9.30			
2	Copies	Copying costs for 2014 (See Attachment A)			\$15.84			

TOTAL REQUEST: \$		TOTAL AWARD: \$	
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>			
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Attachment A, A daily listing of the work performed by Reid.

D. CPUC Disallowances and Adjustments (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:

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Intervenor [has/has not] made a substantial contribution to D._____.
2. The requested hourly rates for Intervenor’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 compensation 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. Intervenor is awarded \$_____.

Revised May 2014

2. Within 30 days of the effective date of this decision, _____ shall pay Intervenor the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Intervenor 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 Intervenor’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 L. JAN REID 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 May 2014

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Executed this 13th day of August, 2014, at Santa Cruz,
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/s/ L. Jan Reid

L. Jan Reid
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