

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Authority to Implement and Recover in Rates the Cost of its Proposed Solar Photovoltaic (PV) Program.	Application 08-03-015 (Filed March 27, 2008)
---	---

CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION

Claimant: Clean Coalition	For contribution to D.13-05-033 & D. 12-02-035	
Claimed (\$): \$12,693.75	Awarded (\$):	
Assigned Commissioner: Ferron	Assigned ALJ: Ebke	
<p>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).</p> <p align="center">Signature: </p>		
Date: 7/24/2013	Printed Name:	Tamlyn Hunt

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

A. Brief Description of Decision:

D.13-05-033 resolved SCE's petition for modification of its solar PV program.

D. 12-02-035 resolved additional issues within SCE's petition for modification of its solar PV programs and made adjustments to the RAM program

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	There was no PHC	
2. Other Specified Date for NOI:	Unclear	
3. Date NOI Filed:	7/24/2013	
4. Was the notice of intent timely filed?		No
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.12-09-014 found the Clean Coalition to be an eligible customer.	
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.12-09-014 found the Clean Coalition had demonstrated significant financial hardship.	
12. Has the claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		

13. Identify Final Decision	D. 13-05-033 & D. 12-02-035	
14. Date of Issuance of Final Decision:	June 3, 2013 and February 23 rd , 2012	
15. File date of compensation request:		
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 final or record.)

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
<u>D.13-05-033</u> (resolving SCE’s request to modify SPVP). The Clean Coalition was active in this matter from the outset, commenting on SCE’s advice letter, the proposed decision and the alternate proposed decision.	<i>The Commission partially granted SCE’s PFM, against our recommendations, but agreed with some of our points.</i> “Clean Coalition opposes SCE’s petition. Clean Coalition contends that SCE’s proposed changes fail to support the program’s original goals (including development of projects in the one to two MW range, and securing benefits of generation that is close to load). Clean Coalition also asserts that SCE’s proposal is not adequately justified by estimated savings. Clean Coalition concludes that the	

	<p>successful SPVP program should not be abandoned without good cause.... We partially grant SCE's petition to modify the SPVP by reducing the UOG portion of the SPVP from 125 MW to 91 MW and transferring 34 MW DC (31 MW AC) to SCE's RAM program. Other SPVP program and solicitation parameters remain unchanged." (FD at 6)</p> <p>"The Clean Coalition disputes the necessity for any modifications, arguing that further modification will undermine the original goals of the SPVP. (Clean Coalition Response at 2.) We find for the reasons below that limited modifications are reasonable based on changed conditions." (FD at 7).</p>	
<p>"Despite our multiple requests in public comments for SCE to provide details on its claimed cost savings, none have been provided. From what we know, SCE's analysis is clearly flawed on two key points: 1. It assumes the cost of UOG rooftop solar to be 26 cents/kWh, which is artificially high and far higher than the cost of IPP rooftop solar and 2. It benchmarks the cost of the SPVP program against an RSC program which, as reported by the Independent Evaluator of the</p> <p>RSC, specifically does not fully take into consideration upgrade and transmission costs. Therefore SCE's savings analysis specifically ignores upgrade and transmission costs that the ratepayer will ultimately have to pay for. As we stated in previous comments, SCE should be required</p>	<p>"The Clean Coalition questions whether any actual savings will result from the modifications, indicating that SCE's cost savings analysis is flawed because it is calculated based on the cost cap of \$260.00/MWh. (Clean Coalition Response at 3.) We disagree." (FD at 9).</p>	

<p>to recalculate the savings using reasonable estimates for transmission and upgrade costs for both the RSC contracts and the rooftop solar projects. This “fully weighted” analysis would allow an accurate and meaningful discussion of actual savings (if any) for the ratepayer at a time when urgent additional local capacity procurement is being pursued.” (Clean Coalition Response at 3).</p>		
<p>“While we recognize the benefit of avoiding high cost generation, we note that SCE fails to analyze or discuss the approach of simply shifting the 34 MW from high cost UOG rooftop solar to lower cost IPP rooftop solar. This solution would create substantial savings for California ratepayers, while simultaneously supporting the original goals of the SPVP program.” (Clean Coalition Response at 3).</p>	<p>“The Clean Coalition generally opposes the reduction, contending the SPVP should not be changed, but indicates that, if granted, any reduction should be reallocated the IPP portion of the program. We will grant SCE’s request to reallocate the 34 MW UOG reduction to the RAM program. We adopt the equivalent of a 34 MW DC (31 MW AC) increase in RAM, including the provision that this increment be procured consistent with existing RAM protocols.” (FD at 11-12).</p> <p>“SEIA and the Clean Coalition argue that the reallocated 34 MW should be transferred to the IPP portion of SPVP rather than the RAM program because this would support the SPVP goal of robust competition for rooftop projects near load centers. We disagree. The requested 34 MW reduction consists of an 18 MW reduction of ground-mount PV and 16 MW of rooftop PV. Parties have not provided compelling evidence that the relatively small reduction in rooftop PV in the UOG portion of</p>	

	<p>the SPVP will materially affect the level of competition for rooftop projects near load centers.” (Id.)</p>	
<p><i>Inclusion of Projects 3 MW or less in RAM</i></p> <p>“RAM only allows projects above 3 MW to bid into the program, and even if 1-2 MW solar projects could bid into RAM it is highly unlikely that these relatively small projects could compete with projects up to 20 MW, which comprise the majority of bids into RAM..” (Clean Coalition reply comments on Alternate Proposed Decision at 8)</p>	<p>“We have reviewed the comments and determined that there is a need to make one change to the alternate proposed decision. Clean Coalition indicated that the RAM program no longer allows projects under 3 MW. The alternate proposed decision has been changed to reflect this.” (D. 13-05-033 at 17)</p>	
<p><u>D.12-02-035 (Resolves Additional Issues within SCE’s PFM and Making Changes to the RAM program)</u> The Clean Coalition was also active in this matter, offering comments, analysis and recommendations on various aspects of the proposed modifications.</p> <p>“In terms of the UOG, SCE has modeled the savings based on the maximum allowed rate of 26 cents / kWh, even though actual costs are likely far lower. Our analysis, detailed below, indicates that roughly 75% of the claimed \$300 million in savings are attributed to reducing this overstated UOG portion. SCE needs to recalculate the savings based on the actual expected cost of UOG going forward. (If the actual expected cost of UOG is 26 cents / kWh, then we recommend keeping the IPP portion at 250 MW, reducing the</p>	<p><i>The Clean Coalition was one of few parties to file in opposition to the proposed modifications, which received support from Solar Alliance. The Commission evaluated the analysis offered by the Clean Coalition on the proposed modifications to the programs.</i></p> <p>“On November 7, 2011 a response in opposition [to the [proposed modifications] was filed by Clean Coalition, and a response in conditional support was filed by the Solar Alliance.” (FD at 4).</p> <p>“Clean Coalition contends that SCE’s analysis is flawed and its estimate overstated, but “[i]n no way does the Clean Coalition claim that the proposed</p>	

extremely expensive UOG portion to 125 MW and transitioning 125 MW of the UOG portion to the RAM. This would allow program goals to be met and market disruptions to be minimized while STILL maintaining 75% of the claimed \$300 million in savings.)” (Clean Coalition comments on the PFM at 2)	modifications would produce no savings.” (January 31, 2012 Clean Coalition Comments at 14.) FD at 9)	
---	--	--

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

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	Y	
b. Were there other parties to the proceeding? (Y/N)	Y	
c. If so, provide name of other parties: Comments were filed by a number of parties, including the Clean Coalition, Silverado Power, LLC; Division of Ratepayer Advocates (DRA); The Utility Reform Network (TURN); Independent Energy Producers Association (IEP); the Greenlining Institute (Greenlining); and Recurrent Energy. California Solar Energy Industries Association; the Solar Alliance; jointly by SolarCity, Solyndra LLC, United Solar Ovonic (Joint Solar Parties); CALifornians for Renewable Energy, Inc. CARE); and Commercial Solar Solutions, LLC (CSS) and Vote Solar.		
d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: Our involvement in this proceeding was fairly limited and we did not actively collaborate with other parties. As always, however, we present a unique voice focused on smart energy policy that both gets us to a renewable and energy efficient future as quickly as possible while also ensuring that savings accrue to ratepayers in the long-term.		

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>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>CPUC Verified</p>
<p>It is difficult to point directly to savings for ratepayers from our involvement; however, we repeatedly stressed in our comments the need for actual data to be used in informing the final outcome of the decision. We raised cost issues repeatedly, using actual data, and calling for actual data, stressing that alleged cost savings by SCE were not based on actual or reliable data. As such, our involvement, insofar as it helped to improve the final decision, will very likely result in cost savings for ratepayers and a better program.</p> <p>In terms of allocation of time between issues in this proceeding, we were always careful in terms of using the most appropriate personnel for each task. Rob Longnecker was the lead early in our involvement, with attorney Tam Hunt assisting substantially on most issues and later taking the lead on drafting documents. Associate Executive Director Ted Ko provided close support and guidance on policy decisions. Dyana Delfin-Polk assisted with the comp request.</p>	

B. Specific Claim:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hou rs	Rate \$	Total \$
Hunt	2012	5.5	\$330	D.12-09-014 and D.08-04-010	\$1,815				
	Subtotal:				\$1,815				
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis	Total \$	Yea	Hou	Rate \$	Total

				for Rate*		r	rs		\$
Rob Longnecker	2011	9	\$145	D.12-09-014 and D.08-04-010	\$1,305				
Rob Longnecker	2012	26.25	\$155 ¹	D.12-09-014 and D.08-04-010	\$4068.75				
Sahm White	2011	5	\$185	D.12-09-014 and D.08-04-010	\$925				
Sahm White	2012	13.75	\$194	D.12-09-014 and D.08-04-010	\$2667.5				
Subtotal:					\$8,966.25				
OTHER FEES									
Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Ye ar	Hou rs	Rate \$	Total \$
<i>Subtotal:</i>						<i>Subtotal:</i>			
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hou rs	Rate \$	Total \$
Hunt	2012	10	\$165	D.12-09-014 and D.08-04-010	\$1,650				
Dyana	2012	7	\$37.5	D.08-04-010	\$262.5				

¹ Rob Longnecker has many years of experience, both in finance and in the renewable energy field. See attachments for resume.

Delfin-Polk									
				Subtotal:	\$1,912.5				
COSTS									
#	Item	Detail			Amount	Amount			
					<i>Subtotal:</i>			<i>Subtotal:</i>	
					TOTAL REQUEST \$:	\$12,693.75	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. **Reasonable claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p>									

C. Attachments or Comments Documenting Specific Claim (Claimant completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Time record
3	Staff resumes
4	

D. CPUC Disallowances & Adjustments (CPUC completes):

#	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 (Y/N)?

--

If so:

Party	Reason for Opposition	CPUC Disposition

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6)) (Y/N)?

--

If not:

Party	Comment	CPUC Disposition

FINDINGS OF FACT

1. Claimant [has/has not] made a substantial contribution to Decision (D.) _____.
2. The claimed fees and costs [, as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$_____.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, [satisfies/ fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay claimant the total award. Payment of the award shall include interest at the rate

earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning _____, 200__, 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/these] proceeding[s] [is/are] closed.
5. This decision is effective today.

Dated _____, at San Francisco, California.