Southern California Tribal Chairmen's Association

SCTCA

TRIBAL ENERGY & CLIMATE COLLABORATIVE

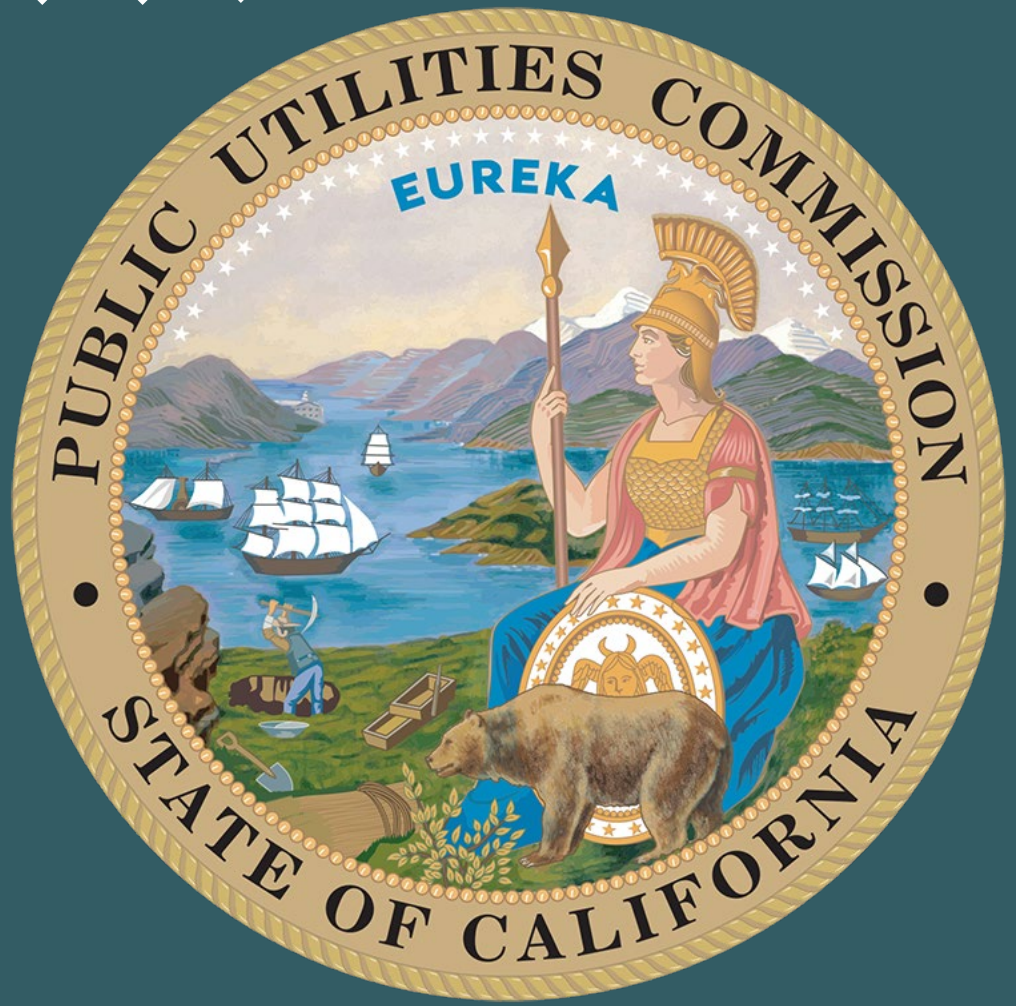
Advancing Tribes' Interests at the CPUC Webinar Training Series

September 22, 2025

BEGIN MEETING RECORDING

Webinar Agenda

- Welcome, Introductions, Overview
- Presentation: Intervenor Compensation
- Discussion
  - Questions?
  - Do you have experience in Intervenor Compensation?
- Updates and Opportunities: SGIP Proposed Decision
- Next Steps and Closing



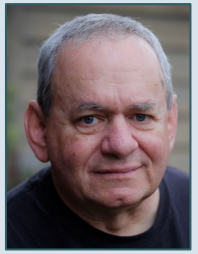
Program Funding

- This work was supported with grants from the California Public Utilities Commission's (CPUC) **Equity and Access grant program.**
- The California Legislature recognizes that some California communities face systematic underinvestment, higher pollution burdens, and higher barriers to clean, safe, and affordable utility and transportation services. To address these challenges, it allocated $30 million dollars to the CPUC to establish the E&A Grant Program that empowers members of Environmental and Social Justice communities to participate in CPUC proceedings and decision-making processes.
- The Equity, Engagement, and Education (EEE) Grant Account awards grants up to $200,000 for the purposes of building CBO, Tribal, and community capacity to understand and engage with CPUC decision- making processes. The EEE Grant Account will increase participation within CPUC decision-making and build the long-term capacity of Tribes and CBOs to make participation in the Intervenor Compensation program and other funding sources more accessible. This will enable CBOs and Tribes to have more influence over clean energy programs and support making these programs more accessible to their served communities.

Introductions

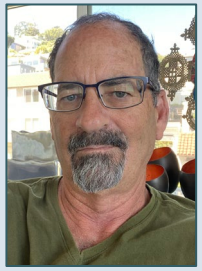
Josh Simmons

- Co-Director, Tribal Energy and Climate Collaborative, a program of the Southern California Tribal Chairmen's Association
- Founder, President, and Principal Consultant, Prosper Sustainably
- J.D., University of San Diego School of Law; MESM, UCSB Bren School of Env. Science & Mgmt.



Peter Allen

- Former CPUC Attorney and Administrative Law Judge (22 yrs)
- Litigated at CPUC on behalf of TURN (consumer advocate) and City of San Diego
- J.D. (cum laude), University of San Diego School of Law



Steven Moss

- Partner at M.Cubed, Economic, Policy, and Regulatory Consulting Firm
- Engaged in CPUC proceeding and other energy and regulatory forums (30+ years)
- Assisted multiple Native Tribes to secure compensation for water rights, treaty violations

ATTENDEES: Please introduce yourself in the chat

Introductions

Hayley Goodson

- Managing Attorney, The Utility Reform Network

ATTENDEES: Please introduce yourself in the chat

TECC: Tribal Energy & Climate Collaborative

Policy & Regulatory Advocacy

CPUC EEE grantees:
SCTCA, Barona, San Pasqual

Co-Directors
Matt Rantanen (SCTCA/TECC); Sheilla Alvarez (Barona); John Flores (San Pasqual); Josh Simmons (TECC)

Capacity Building & Technical Assistance (TA)

Economic and Workforce Development

Identify and advance climate, energy, and related economic and workforce development goals of SCTCA Tribes

Intervenor Compensation

- Peter Allen
- Hayley Goodson

Overview of the CPUC Intervenor Compensation Program for the Tribal Energy and Climate Collaborative (TECC) Training Series

Presented by Hayley Goodson, TURN Managing Attorney

September 22, 2025

Roadmap

1. History and Purpose
2. Overview of Eligibility Requirements and Compensation Awards
3. The Notice of Intent to Claim Intervenor Compensation (”NOI”)
    A. Deadline for Filing the NOI
    B. Establishing Customer Status and Significant Financial Hardship
        1. Types of Eligible ”Customers”
        2. Showing of Financial Hardship
        3. Statutory “Customer” Exclusions
        4. The “Rebuttable Presumption” of Significant Financial Hardship
    C. Planned Participation and Estimated Budget
4. Intervenor Compensation Claim
    A. Deadline for Filing the Intervenor Compensation Claim
    B. Establishing a Substantial Contribution
    C. Avoiding Duplication
    D. Establishing the Reasonableness of Claimed Compensation
        1. Reasonableness of Hours and Costs
        2. Hourly Rates for the Party’s Representatives
5. Intervenor Compensation Awards

History and Purpose

- The CPUC initiated the Intervenor Compensation Program in 1981. The California Legislature codified it, effective January 1, 1985, in Sections 1801-1812 of the California Public Utilities Code. The Legislature most recently modified the the Intervenor Compensation Program in 2016.
- The CPUC administers the Intervenor Compensation Program in accordance with California statutes and the CPUC's Rules of Practice and Procedure.
- The Intervenor Compensation Program is intended to ensure that individuals and groups that represent the interests of utility ratepayers have the financial resources to bring their concerns and interests to the CPUC by participating in its proceedings. The CPUC has highlighted the "importance of getting input from a socioeconomically diverse, culturally diverse, and geographically dispersed public" and revised the Intervenor Compensation Program to more effectively reduce the barriers to participation that customers face. [CPUC Decision (D.) 98-04-059, pp. 10, 14]
- Today, *eligible* individuals and entities that participate in CPUC proceedings involving electric, gas, water, and telecommunications utilities may request compensation for the *reasonable* costs associated with their participation *if they make a substantial contribution to a CPUC decision*.
- Costs that may be compensated include reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs of preparation for and participation in a proceeding, including the costs of obtaining an award of Intervenor Compensation and of obtaining judicial review.

Overview of Eligibility Requirements and Compensation Awards

- Eligibility to Seek Intervenor Compensation
  - Must be an official party to a proceeding to seek Intervenor Compensation
    - Exception – Advice Letter Process leading to a CPUC Resolution
  - Must timely file a Notice of Intent to Claim Intervenor Compensation ("NOI")
  - In the NOI, must demonstrate "Customer Status"
  - In the NOI, must demonstrate that the party would face "Significant Financial Hardship" in participating in the CPUC proceeding without intervenor compensation
    - Do NOT need an attorney to file an NOI
    - The CPUC will provide an opportunity to correct a deficient NOI
  - Eligibility for compensation in no way ensures compensation.

Overview of Eligibility Requirements and Compensation Awards, *continued*

- Eligibility for an Award of Intervenor Compensation
  - Must satisfy the NOI requirements
  - Must make a "Substantial Contribution" to a CPUC order or decision, which includes formal CPUC decisions and CPUC resolutions
  - Must timely file a claim
- Intervenor Compensation Awards
  - Compensation for reasonable costs incurred by the intervenor related to their substantial contribution to the CPUC proceeding.
  - Awards are paid by the public utility that is the subject of the CPUC proceeding or from the CPUC's Intervenor Compensation Fund within 30 days of the decision ordering Intervenor Compensation.
  - If the CPUC does not issue a decision on an Intervenor Compensation Claim within 75 days, the award will be paid with interest.

The Notice of Intent to Claim Intervenor Compensation ("NOI")

A. Deadline for Filing the NOI

- Extremely import. Assume zero tolerance for late-filed NOIs.
- A notice of intent to claim compensation may be filed:
  - in a proceeding in which a prehearing conference is held, any time after the start of the proceeding until 30 days after the prehearing conference.
  - in a quasi-legislative proceeding in which a prehearing conference is not held in advance of the issuance of the scoping memo, any time until 30 days after the issuance of the scoping memo.
  - in a petition for rulemaking, any time after the petition is filed until 30 days after the time for filing responses. If a prehearing conference is later held, the notice may be filed pursuant to subsection (a)(1).
  - in a proceeding where the Commission anticipates that the proceeding will take less than 30 days, by any deadline that may be established by the Administrative Law Judge.

  [CPUC Rule 17.1(a), NOI Section I.D]
- The CPUC may set a different due date for NOIs where new issues emerge after the NOI deadline. [Cal. Pub. Util. Code Section 1804(a)(1)]

Tips:

- A party can file a "motion" in a proceeding if new issues emerge, asking the CPUC to permit the filing of an NOI.
- Consider filing an NOI to preserve the opportunity for claiming Intervenor Compensation, even if participation is uncertain.

The NOI, *continued*

B. Establishing Customer Status and Significant Financial Hardship

- There are 3 types of eligible "Customers" with different requirements for the NOI.

"Category 1" Customer

Definition: An actual customer whose self-interest in the proceeding arises primarily from their role as a customer of the electrical, gas, telephone, or water utility and, at the same time, the customer must represent the broader interests of at least some other customers.

Demonstrating Significant Financial Hardship: The party must certify that the Customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation. You must also provide the customer's personal financial information, including gross and net monthly income, monthly expenses, cash and assets, including equity in real estate, and any other relevant financial information.

[Cal. Pub. Util. Code § 1802(h); CPUC Intervenor Compensation Program Guide, pp. 13-14]

The NOI, *continued*

“Category 2” Customer

Definition: A representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer’s views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.

Demonstrating Customer Status: A party must identify the residential customer(s) being represented and provide an authorization signed by at least one represented customer.

Demonstrating Significant Financial Hardship: The party must certify that the customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation. You must also submit personal financial information for at least one of the actual customers who will be represented (the same information required for a “Category 1” customer).

[Cal. Pub. Util. Code § 1802(h); CPUC Intervenor Compensation Program Guide, pp. 13-15]

The NOI, *continued*

“Category 3” Customer

Definition: A formally organized group authorized by its articles of incorporation or bylaws to represent the interests of residential customers, or to represent small commercial customers receiving bundled electric service from an electrical corporation. Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws.

Demonstrating Customer Status: Supporting documentation for this customer category must include current copies of the articles of incorporation or bylaws. If current copies of the articles and bylaws have already been filed with the Commission, only a specific reference (the proceeding’s docket number and the date of filing) to such filings needs to be made.

If a party seeking status as a Category 3 customer represents residential and small commercial customers receiving bundled electric service from an electrical corporation, it must include in the NOI either the percentage of group members that are residential ratepayers or the percentage of the members who are receiving bundled electric service from an electrical corporation.

Demonstrating Significant Financial Hardship: The party must show that the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.

[Cal. Pub. Util. Code § 1802(h); CPUC Intervenor Compensation Program Guide, pp. 14-15]

The NOI, *continued*

“Category 3” Customer - *continued*

Tips:

- Be aware that some parties have struggled to establish Category 3 Customer Status because the CPUC found that their bylaws were insufficient. The CPUC looks for articles or bylaws “containing provisions that directly or through a reasonable inference authorize” a party to advocate on behalf of residential or small commercial utility ratepayers on the matters before the CPUC. [*See, e.g.*, ALJ Ruling in R.14-07-002, 9/10/18, p. 9; ALJ Ruling in R.14-07-002, 6/26/20, p. 7]
- Rulings on NOIs can be very slow to come out, leaving new intervenors without information on eligibility that may be critical to determining how much to participate. If you are in this position, consider contacting the CPUC Intervenor Compensation Coordinator and/or the office of the Assigned Commissioner for your proceeding to highlight your pending NOI.

The NOI, *continued*

Examples of bylaws the CPUC found insufficient:

- The CPUC found the bylaws of Community Legal Services insufficient to establish Category 3 Customer Status. The bylaws provided: "The primary purpose of this corporation shall be: to engage in charitable activities within the meaning of section 501(c)(3) of the Internal Revenue Code. Such activities include, but are not limited to, the provision of legal support to underserved and underrepresented communities and consumers to facilitate their engagement in government processes and participation in public benefit programs. Community Legal Services is authorized to actively participate and intervene before the California Public Utilities Commission, and all other municipal, state, or federal regulatory bodies that can directly or indirectly affect ratepayer interests, including the interests of small businesses and community-based organizations." The CPUC cited the absence of provisions which would authorize Community Legal Services *to represent eligible ratepayer interests before the CPUC*. The CPUC reasoned that authorization to "provide legal support" is not the same as "representation," and authorizing the organization to intervene before the CPUC is not authorization to represent eligible ratepayers' interests before the CPUC. [ALJ Ruling in A.23-05-010, 9/20/23, pp. 7-8] When Community Legal Services amended its bylaws to expressly authorize the representation of residential customers before the CPUC, the CPUC found the amended bylaws sufficient. However, the CPUC again rejected the NOI because it did not indicate the percentage of the group's members that are residential ratepayers, and because the party failed to demonstrate significant financial hardship. [ALJ Ruling in A.23-05-010, 2/26/24, pp. 3, 5]
- The CPUC found that Coalition of Energy User's bylaws did not provide the organization with the required authorization to represent eligible customers. Those bylaws stated, "Coalition of Energy Users shall be organized as a nonprofit 501c(4) mutual benefit corporation to advance the interests of energy users." [ALJ Ruling in R.14-07-002, 5/26/16, p. 6 (referencing the bylaws filed by the party in R.11-10-003 on 7/30/12)] When Coalition of Energy Users amended its bylaws to *additionally* provide authorization to "represent the interests of residential customers, or to represent small commercial customers who receive bundled electric service from an electrical corporation," the CPUC again found this insufficient. The CPUC explained that an eligible intervenor "must single-mindedly advance the interests of residential or small commercial utility customers receiving bundled electric service. An overly broad category of the "energy users" includes constituents – such as, for example, large or medium commercial and industrial electric customers – whose interests are not covered by §1801 – 1812." [ALJ Ruling in R.14-07-002, 10/17/16, pp. 6-7]

The NOI, *continued*

Examples of bylaws the CPUC found insufficient:

- The CPUC found that Central California Legal Services had not demonstrated Category 3 Customer Status because of its purpose of providing "civil legal representation to indigent persons," and "mission of providing civil legal aid to the Valley's low income communities in such areas as housing, health, family, and immigration law, among other fields." The CPUC reasoned that these purposes "explicitly limit CCLS's authority to civil litigation," and "[t]here is no direct or reasonably inferable authority given to CCLS by its bylaws or articles nor by the [California Business and Professions Code] to litigate on behalf of utility customers before the Commission." [ALJ Ruling in R.14-07-002, 6/26/20, p. 6]
- The CPUC found that Climate First: Replacing Oil & Gas ("CFROG") had not demonstrated Category 3 Customer Status. The CPUC explained, "According to the bylaws, CFROG "acts as a public watchdog organization, which defends communities and wild places from the adverse impacts associated with oil and gas drilling and production." (Bylaws, Article 1.) We have carefully reviewed the bylaws, but could not find a provision directly or through a reasonable inference authorizing CFROG to represent (advocate, litigate, etc.) eligible interests of residential ratepayers." [ALJ Ruling in A.22-05-015 et al., 3/22/23, p. 6 (also citing to three other rulings rejecting NOIs with insufficient bylaws or articles).]

The NOI, *continued*

Examples of Bylaws the CPUC Accepted:

- The CPUC accepted the bylaws of Solar Consumer Advisor, which provide as follows: "The specific objectives and purposes of this corporation shall be: 1. To contribute to the protection of consumers of residential-photovoltaic-solar systems ("solar" hereafter) in general, including those interested in or shopping for solar, acquiring solar, operating solar, and buying or selling a home with existing solar a. By representing utility ratepayers who have or may acquire solar in relevant proceedings conducted by local, state, and federal regulatory agencies …" The CPUC explained, "Although the bylaws do not state directly that Solar Consumer Advisor serves only residential consumers, it contains provisions that can be reasonably so interpreted, and Solar Consumer Advisor has asserted that it represents residential customers, and serves only residential homeowners." [ALJ Ruling in R.14-07-002, 10/2/19, p. 8]
- The CPUC found that the bylaws of California Low-Income Consumer Coalition ("CLICC") "contain a reasonably inferable authorization to represent residential utility ratepayers before this agency." The CPUC explained: "According to the bylaws, CLICC is a lobbying coalition pursuant to California Code of Registration Title 2, Section 18616.4. CLICC's bylaws authorize CLICC to 'represent the interests of residential customers to ensure that all people, regardless of their income or background, have opportunities under the law to achieve their full potential,' and '[t]o present a united front of advocates on behalf of low-income California consumers,' and, further, '[t]o prevent the enactment of bills and administrative action harmful to low-income California consumers.' (Section 1.3.) CLICC's members, legal aid non-profit organizations, are described in the MOU as 'organizations working on behalf of low-income consumers.'" [ALJ Ruling in R.14-07-002, 9/10/18, p. 9]

The NOI, *continued*

Statutory "Customer" Exclusions

- "Customer" does not include any state, federal, or local government agency, any publicly owned public utility, or any entity that, in the commission's opinion, was established or formed by a local government entity for the purpose of participating in a commission proceeding. [Cal. Pub. Util. Code Section 1802(b)(2)]
- However, an "eligible local government entity" may seek Intervenor Compensation. Eligibility requires that the entity be a city, county, or city and county that is not a publicly owned public utility that intervenes or participates in a Commission proceeding for the purpose of protecting the health and safety of the residents within the entity's jurisdiction following a catastrophic material loss suffered by its residents either in significant damage to infrastructure or loss of life and property, or both, as a direct result of public utility infrastructure. [Cal. Pub. Util. Code Section 1802(d); NOI Form, Part I.C]

Tip: It may be helpful to explain in an NOI why the CPUC should not view the Tribe as one of the expressly excluded governmental entities under California law for purposes of establishing "Customer Status" eligibility for Intervenor Compensation.

The NOI, *continued*

The "Rebuttable Presumption" of Significant Financial Hardship

A party does not need to present the financial hardship showing in the NOI if that party can point to a ruling in another proceeding finding that the same party established significant financial hardship there. That ruling must have been issued no longer than 1 year prior to the date when the current proceeding started. [NOI Form, Section III.A.4]

The NOI, *continued*

C. Planned Participation and Estimated Budget

The NOI must identify all issues on which the intervenor intends to participate and seek compensation and shall separately state the expected budget for participating on each issue. The NOI may include a category of general costs not attributable to a particular issue. [CPUC Rule 17.1(c)]

Scope of Planned Participation [NOI, Section II.A]

- Discuss the issues you plan to address and which proceeding activities you plan to participate in, such as attending workshops, filing comments, presenting expert testimony, filing briefs, etc.
- If there's a Scoping Memo for the proceeding, reference the issues of interest there. Otherwise, identify issues based on what you think the proceeding will cover.

Tip: Use the prompt for avoiding duplication as a reminder to reach out to other parties with similar interests early in the proceeding.

The NOI, *continued*

Budget Estimate [NOI, Section II.B]

- You will need to identify attorneys, experts, and other advocates who you *anticipate* will work on the proceeding and estimate the number of hours and hourly rates for each representative based on what you know about the proceeding at the NOI stage.
- You will need to estimate the percentage of total budget that will be spent on each issue the party plans to address.

  Note: These estimates are non-binding. The CPUC will not evaluate the reasonableness of your estimates when ruling on an NOI, nor will you be limited by those estimates if you eventually file an Intervenor Compensation Claim. In the claim, you will need to justify the actual number of hours included and the hourly rates requested for each party representative.
- Starting in 2021, only non-routine direct costs may be included in a claim (e.g., significant travel required for participation). Routine overhead costs like postage, photocopying, and online legal research subscription fees will not be compensated. [CPUC Resolution ALJ-393, p. 4]

Intervenor Compensation Claims

A. Deadline for Filing the Intervenor Compensation Claim

- Extremely import!
- Ultimate deadline: Statutory deadline of 60 days after the issuance of the final decision closing the proceeding (except when the intervenor files an application for rehearing).
- Other times to file: Within 60 days after the issuance of the order or decision to which the intervenor claims it made a substantial contribution.

Intervenor Compensation Claims, *continued*

B. Establishing a Substantial Contribution

- List each claimed contribution to the final order or decision, including specific factual contentions, legal contentions, policy recommendations, or procedural contentions made by the intervenor that contributed to the CPUC's decision.
- Must cite the written source of the intervenor's position (testimony, comments, brief, reporter's transcripts) AND the final decision's treatment of the issue, indicating that the Commission adopted the intervenor's contention or recommendation in whole or in part. Citations must include the document name, date, and page/portion.

Tips:

- It is not enough for the decision to merely recount the party's position – this is not a substantial contribution.
- Be transparent about shared contributions by the party and another intervenor.

Intervenor Compensation Claims, *continued*

C. Avoiding Duplication

- If the proceeding involved multiple intervenors, the request for compensation shall include a showing that the participation materially supplemented, complemented, or contributed to the presentation of any other party with similar interests, or that the participation did not overlap the presentation of other intervenors. [CPUC Rule 17.4(f)]
- Awards may be reduced for duplicative participation with other parties.

Tips:

- Coordinating early on with other parties with similar interests and/or positions may help to avoid award reductions for duplication.
- If you participate jointly with other parties, be sure to explain how you divided the issues and/or labor to create efficiencies and cite to relevant filings to help explain the issues the party focused on versus the issues an ally focused on.

Intervenor Compensation Claims, *continued*

D. Establishing the Reasonableness of Claimed Compensation

Reasonableness of Hours and Costs

- Reasonableness showing requires a demonstration that hours claimed were "productive, necessary, and needed for a fair determination of the proceeding." The CPUC also focuses on efficiency.
- The party will need to compare the cost of the party's participation (the total of the claim) with the dollar value of the benefits to ratepayers resulting from the party's participation. If you cannot quantify the benefits, explain why and describe the non-financial benefits to ratepayers with as much specificity as possible.
- "You must explain why the claimed hours for the work performed are reasonable (the efficiency aspect). For example, you may explain how you delegated work internally to ensure the intervenor's representatives' level of experience was appropriate for the assigned tasks and why no unnecessary internal duplication of each other's work occurred." (CPUC Intervenor Compensation Program Guide, p. 21)
- The party must allocate the hours claimed to each issue to which the party claims a substantial contribution.

Intervenor Compensation Claims, *continued*

- The party must itemize all costs of participating in the proceeding, including time spent by each representative and direct costs.
- The party must include time records for each individual included in the claim, including both staff and external representatives (attorneys, experts, etc.). Timesheets should chronologically list the following information for each task performed: (a) date when the specific task was performed, (b) issue in the proceeding that the task addressed, (c) description of the specific task, and (d) amount of time spent on the task. [CPUC Intervenor Compensation Program Guide, pp. 25-26]
- Travel time and costs for distances greater than 120 miles may be eligible for compensation if necessary for effective participation.
- Common activities/costs that are not eligible for compensation:
  - Time spent on clerical or administrative tasks.
  - Meals during travel (or anytime).
  - Overhead costs like photocopies, postage, basic software.
  - Work on issues outside of the proceeding.

Intervenor Compensation Claims, *continued*

Tips:

- Timesheets matter a lot! The CPUC will closely scrutinize them for "unreasonableness."
- The CPUC has penalized intervenors for combining hours for more than one task in a single timesheet entry, such as "preparing for and attending a meeting" or "discussing comments at a meeting and then drafting comments."
- Similarly, the CPUC has penalized intervenors for combining work on more than one issue in a timesheet entry.
- Awards may be reduced for "inefficiency" – taking too long to complete the stated task.
- Awards may be reduced for "internal duplication." Be sure to explain the role of each attorney, expert, and advocate, including why it was necessary/beneficial for multiple representatives to attend the same meeting, phone call, or workshop.
- Describe tasks in timesheets with enough precision to demonstrate why the task was not "clerical" or "administrative".
- Explain how work was related to the party's substantial contribution, particularly where this might not be obvious based on the nature or timing of the activity.
- It can take a very long time to prepare a thorough claim that tracks the CPUC guidelines. Start early.

Intervenor Compensation Claims, *continued*

Hourly Rates for the Party's Representatives

- In each claim, the party must specify the requested hourly rate for each representative per year and the basis for that rate, using the framework and requirements adopted by the CPUC in Resolution ALJ-393 (available on the CPUC Intervenor Compensation Program Webpage).
- Hourly rates must align with the CPUC's "Hourly Rate Chart," which took effect on Jan. 1, 2021. The Hourly Rate Chart specifies broad hourly rate ranges for nearly 80 "labor roles" by level of experience. The rate ranges are updated each year according to the "escalation" methodology adopted by the CPUC in Resolution ALJ-393.
    - The Hourly Rate Chart does not "set rates" but determines a reasonable range of hourly rates based on a representative's education, training, skills, and level of experience. The party must request a specific rate.
- The party must justify any new hourly rates by proving a current resume, identifying the labor role and experience tier, and explaining why the requested rate is reasonable.
- Hourly rates for outside counsel and/or outside expert consultants must not exceed the rates actually charged by outside counsel / experts for their services.

Intervenor Compensation Claims, *continued*

Tips:

- In recent years, the CPUC has required a party seeking Intervenor Compensation to include in the Claim invoices or retainer agreements documenting the hourly rates charged by all outside service providers (outside counsel, expert consultants) for work on behalf of the party in that proceeding.
- Recent CPUC decisions suggest that the CPUC will accept contingency fee agreements as long as the party does not retain any of the Intervenor Compensation award tied to the outside service provider's work and instead passes awarded amounts through to the outside service provider.

Intervenor Compensation Awards

- State law requires the CPUC to issue a decision on an Intervenor Compensation Claim within 75-days of the filing of the claim. [Cal. Pub. Util. Code Section 1804(e)].

  Tip: Expect significant delays in claim processing. As of 9/9/25, the CPUC had 86 pending Claims, including 6 filed in 2023, 31 filed in 2024, and 28 filed more than 75 days ago in 2025. [See pending claims at https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/icomp-materials/icomp-requests-090925.pdf]

- If the CPUC issues the Intervenor Compensation decision after the 75-day statutory deadline, the award must be paid with interest. The CPUC currently bases the interest rate on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15. [See, e.g. D.25-07-031, Ordering Paragraph 2.]
- Awards are paid by the public utility that is the subject of the CPUC proceeding or from the Commission's Intervenor Compensation Fund.
- Claims must be paid within 30 days of the effective date of an Intervenor Compensation decision. [Cal. Pub. Util. Code Section 1807(a)]

IComp and CPUC Resources

- Cal. Pub. Util. Code Sections 1801-1812 – Intervenor's Fees and Expenses
- https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PUC&division=1.&title=&part=1.&chapter=9.&article=5
- CPUC Rules of Practice and Procedure, Article 17 – Compensating Intervenors
- https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/rules-of-practice-and-procedure-may-2021.pdf
- CPUC Intervenor Compensation Program Webpage
- https://www.cpuc.ca.gov/proceedings-and-rulemaking/intervenor-compensation
- CPUC Intervenor Compensation Program Guide
- https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/icomp-materials/updated-icomp-program-guide-april-2017.pdf

IComp and CPUC Resources

- CPUC program one-page overview (download)
- Navigating proceedings at the CPUC training (California Lawyers Association): https://youtu.be/o-Ep-c83zag?feature=shared

Intervenor Compensation Questions and Discussion

UPDATE: SGIP Proposed Decision

- Tribes **can** be heard at the CPUC! Proposed Decision on Self-Generation Incentive Program (R.20-05-012)
  - One day remaining for Reply Comments

- Proposed Decision

Opportunities

- Rights of Way workshop for Utility Infrastructure on Tribal lands, Jointly hosted by CPUC and the Bureau of Indian Affairs (BIA)
  - Sep. 30, 10 am – 4 pm at Blue Lake Casino & Hotel, Blue Lake, CA.
  - Virtual option: Register here
- For more on energy matters, including grant opportunities, join us for the Tribal Energy and Climate Collaborative's ongoing eXchange meeting (TECC-X) series. Register here.

Southern California Tribal Chairmen's Association
SCTCA

TRIBAL ENERGY & CLIMATE COLLABORATIVE

Final Thoughts, Questions?

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