

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to Consider Revising Energy Utility Tariff Rules Related to Deposits and Adjusting Bills as They Affect Small Business Customers.	R.10-05-005
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and checked), ALJ RULING
ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): The Utility Reform Network			
Assigned Commissioner: John Bohn		Assigned ALJ: Bruce DeBerry	
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent (NOI) is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this NOI and has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).			
Signature: /S/			
Date:	June 11, 2010	Printed Name:	Nina Suetake

PART I: PROCEDURAL ISSUES

(To be completed by the party ("customer") intending to claim intervenor compensation)

A. Status as "customer" (see Pub. Util. Code § 1802(b)): The party claims "customer" status because it (check one):	Applies (check)
1. Category 1: Represents consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the Commission (§ 1802(b)(1)(A))	
2. Category 2: Is a representative who has been authorized by a "customer" (§ 1802(b)(1)(B)).	
3. Category 3: Represents a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, to represent "small commercial customers" (§ 1802(h)) who receive bundled electric service from an electrical corporation (§ 1802(b)(1)(C)), or to represent another eligible group.	X
4. The party's explanation of its customer status, economic interest (if any), with any documentation (such as articles of incorporation or bylaws) that supports the party's "customer" status. Any attached documents should be identified in Part IV. TURN is a "group or organization authorized pursuant to its articles of incorporation or bylaws to	

represent the interests of residential ratepayers.” TURN provided the relevant portion of our articles of incorporation in the NOI submitted in A.98-02-017, and again in A.99-12-024. The articles of incorporation have not changed since the time of those earlier submissions. D.98-04-059 directs groups such as TURN to indicate the percentage of their members that are residential ratepayers. Id., FOF 12. TURN has approximately 20,000 dues paying members, of whom we believe the vast majority are residential ratepayers. TURN does not poll our members in a manner that would allow a precise breakdown between residential and small business members, so a precise percentage is not available.

B. Timely Filing of NOI (§ 1804(a)(1)):	Check
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: _____	Yes __ No <u>X</u>
2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	Yes <u>X</u> No __
2a. The party’s description of the reasons for filing its NOI at this other time: The Order Instituting Rulemaking specifically directed parties to file their NOI within 30 days of the mailing of the Rulemaking. As the OIR was issued on May 12, 2010, this NOI is timely.	
2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, or ALJ ruling, or other document authorizing the filing of its NOI at that other time: <input type="checkbox"/> R. 10-05-005 - Order Instituting Rulemaking on the Commission’s Own Motion to Consider Revising Energy Utility Tariff Rules Related to Deposits and Adjusting Bills as They Affect Small Business Customers. <input type="checkbox"/> Filed May 6, 2010; Issued May 12, 2010	

PART II: SCOPE OF ANTICIPATED PARTICIPATION

(To be completed by the party (“customer”) intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)(i)):
<input type="checkbox"/> The party’s description of the nature and extent of the party’s planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed). <input type="checkbox"/> The party’s statement of the issues on which it plans to participate.
<p><u>Nature and Extent of Planned Participation</u> TURN intends to participate fully in all aspects of this Rulemaking including filing comments and reply comments, participating at workshops, and filing comments and reply comments on the proposed decision ultimately issued by the Commission.</p> <p><u>Issues Likely to be Addressed</u> TURN supports the Rulemaking’s premise that micro-businesses should be treated similarly to residential customers with regards to bill adjustments and deposits, and TURN anticipates that it will participate in this Rulemaking on both issues.</p>

Avoiding Undue Duplication

The Commission has stated that it will make a preliminary determination based on the NOI whether an intervenor represents interests that, if not for the availability of compensation, would be “underrepresented” in the proceeding. D.98-04-059, mimeo, at 27. TURN and the Division of Ratepayer Advocates (DRA) are both parties to this proceeding. TURN believes, however, that the Commission’s experience in such rulemakings in recent years makes clear that different ratepayer representatives emphasize different issues and apply different strategies, thus lessening the likelihood of undue duplication. As has also been demonstrated in recent years, TURN is likely to closely coordinate with DRA in a manner that ensures maximum coverage of issues and, by design, reduced duplication of effort. Finally, given the likely number of active parties representing utility interests in this rulemaking, having three parties represent ratepayer interests only begins to counterbalance the utility presence in this proceeding.

B. The party’s itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):

Item	Hours	Rate \$	Total \$	#
ATTORNEY FEES				
Nina Suetake	50	\$225	\$11,250	
Hayley Goodson	15	\$280	\$4,200	
		Subtotal:	\$15,450	
EXPERT FEES				
Gayatri Schilberg (JBS Energy)	15	200	\$3,000	
[Expert 2]				
		Subtotal:	\$3,000	
OTHER FEES				
[Person 1]				
[Person 2]				
		Subtotal:		
COSTS				
Estimated Miscellaneous Expenses (i.e., Telecommunications, Photocopying)			\$500	
[Item 2]				
[Item 3]				
		Subtotal:	\$500	
TOTAL ESTIMATE \$:			\$18,950	

Comments/Elaboration (use reference # from above):

The reasonableness of the hourly rates requested for TURN’s representatives will be

addressed in our Request for Compensation (#s 1, 2 and 3). TURN has not included in this estimate claim preparation time (#1). The amount of any future request for compensation will depend upon the Commission's ultimate decision in this case, as well as the resources TURN has to devote to the case going forward.

When entering items, type over bracketed text; add additional rows to table as necessary. Estimate may (but does not need to) include estimated claim preparation time. Claim preparation is typically compensated at ½ of preparer's normal hourly rate.

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

(To be completed by party ("customer") intending to claim intervenor compensation; see Instructions for options for providing this information)

A. The party claims "significant financial hardship" for its claim for intervenor compensation in this proceeding on the following basis:	Applies (check)
1. "[T]he 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" (§ 1802(g)); or	
2. "[I]n the case of a group or organization, 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" (§ 1802(g)).	X
3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption of eligibility for compensation in this proceeding (§ 1804(b)(1)).	
ALJ ruling (or CPUC decision) issued in proceeding number: Date of ALJ ruling (or CPUC decision):	

B. The party's explanation of the factual basis for its claim of "significant financial hardship" (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI):

TURN has a request for a finding of significant financial hardship pending in A.09-12-020, the PG&E GRC for Test Year 2011. TURN anticipates a ruling in the near future on this already pending NOI, and therefore prefers not to make the showing again here. Should the ALJ or Assigned Commission wish TURN to present that showing here, TURN would be glad to do so upon request

**PART IV: THE PARTY’S ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**

(The party (“customer”) intending to claim intervenor compensation identifies and attaches documents (add rows as necessary.) Documents are not attached to final ALJ ruling.)

Attachment No.	Description
1	Certificate of Service

ADMINISTRATIVE LAW JUDGE RULING¹

(ALJ completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	
a. The NOI has not demonstrated status as a “customer” for the following reason(s):	
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	
4. The ALJ provides the following additional guidance (see § 1804(b)(2)):	

¹ An ALJ Ruling will not be issued unless: (a) the NOI is deficient; (b) the ALJ desires to address specific issues raised by the NOI (to point out similar positions, areas of potential duplication in showings, unrealistic expectations for compensation, or other matters that may affect the customer’s claim for compensation); or (c) the NOI has included a claim of “significant financial hardship” that requires a finding under § 1802(g).

IT IS RULED that:

	Check all that apply
1. The Notice of Intent is rejected.	
2. Additional guidance is provided to the customer as set forth above.	
3. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	
4. The customer has shown significant financial hardship.	
5. The customer is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	

Dated _____, at San Francisco, California.

ADMINISTRATIVE LAW JUDGE

**Attachment 1:
Certificate of Service by Customer**

I hereby certify that I have this day served a copy of the foregoing **NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION** by (check as appropriate):

- hand delivery;
- first-class mail; and/or
- electronic mail

to the following persons appearing on the official Service List:

bkc7@pge.com
bmd@cpuc.ca.gov
brooks.congdon@swgas.com
case.admin@sce.com
catherine.mazzeo@swgas.com
cathie.allen@pacificorp.com
cem@newsdata.com
CPUCCASES@pge.com
DAKing@SempraGeneration.com
ddm@cpuc.ca.gov
DFC2@pge.com
don.soderberg@swgas.com
fadia.khoury@sce.com
joyw@mid.org
kderemer@semprautilities.com
KHassan@SempraUtilities.com
kwz@cpuc.ca.gov
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zaf@cpuc.ca.gov

Executed this 11th day of June, 2010, at San Francisco,
California.

/S/

Larry Wong
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