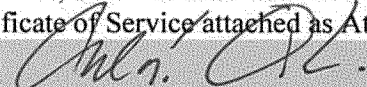


**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

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

**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): California Small Business Roundtable			
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:			
Date:	9/21/10	Printed Name:	Carl K. Oshiro

**PART I: PROCEDURAL ISSUES**

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

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b)): The party claims "customer" status because it (check one):</b>	<b>Applies (check)</b>
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.

California Small Business Association (CSBA) is a 501(c)(6), nonprofit organization that grew out of the 1980 White House Conference on Small Business. It is a grassroots, volunteer-driven organization dedicated to helping members “grow their businesses,” informing members about government programs and other resources available to assist them and advocating the views of small business in Congress, California Legislature, and federal and state agencies. CSBA regularly polls its members on public policy issues affecting small businesses and receives guidance from its affiliate organization California Small Business Roundtable.

California Small Business Roundtable (CSBRT) is a nonprofit organization incorporated to, among other things, provide general advocacy on behalf of small businesses in California, disseminate information relevant to such businesses and represent the interests of small businesses before various public agencies. Article III of its CSBRT’s Articles of Incorporation states:

Because of the dependence of small businesses and all California residents on safe, reliable and fairly priced utility services, the purposes include representing the interests of small business and residential utility customers in all matters relating to the provision of electricity, natural gas, telecommunications, water and other utilities.

CSBRT has previously filed its Articles of Incorporation in other Commission proceedings including R. 05-04-005, R. 00-02-004, and A. 99-120-012.<sup>1</sup> A copy of CSBRT’s Articles of Incorporation is attached.

CSBA/CSBRT and its small business members have an interest in this proceeding. According to the U.S. Small Business Administration, there are over 3.4 million small businesses in California. Small businesses employ approximately 7 million Californians or about 50 percent of the state’s non-farm, private workforce. Small businesses owners depend on electric and/or gas service to operate and grow their businesses. As a result, small business owners have an interest in ensuring that the terms and conditions for these services (including deposit, back-billing and refund requirements) are fair and reasonable.

<b>B. Timely Filing of NOI (§ 1804(a)(1)):</b>	<b>Check</b>
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: _____	Yes ___ No <u>X</u>

<sup>1</sup> The Commission has awarded compensation in D. 06-11-009 and interim awards referenced therein, D. 02-01-064 and D. 05-02-017.

<p>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)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>2a. The party's description of the reasons for filing its NOI at this other time:</p> <p>The OIR initiating this proceeding required that NOIs be filed within 30 days of the mailing of the rulemaking. Because of the press of other matters, CSBA/CSBRT previously did not plan to actively participate in this proceeding. However, as the Staff Report of July 28, 2010 notes, the Commission's Small Business Program Staff specifically invited CSBA and other small business organizations to attend the Workshop held on July 6, 2010 in this matter. (Small Business Program Staff Report, p. 1.) As reflected throughout the Staff Report, CSBA/CSBRT attended the Workshop, presented its views on the issues in this proceeding and actively participated in the discussion that led to a consensus on many of the issues. (<i>Id.</i>, pp. 9, 14, 15.) On August 6, 2010, they also submitted written comments on the Staff's Workshop Report. To date, CSBA/CSBRT are the only small business organizations to participate in this proceeding.</p> <p>In view of the absence of other small business participation, CSBA/CSBRT would like to continue to participate on behalf of their small business members and the opportunity to request intervenor compensation if they make a substantial contribution to the proceeding.</p>	
<p>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:</p> <p>CSBA/CSBRT has filed a separate motion to late file its NOI. The motion is pending.</p>	

**PART II: SCOPE OF ANTICIPATED PARTICIPATION**

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

<p><b>A. Planned Participation (§ 1804(a)(2)(A)(i)):</b></p>
<ul style="list-style-type: none"> <li>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).</li> </ul> <p>CSBA/CSBRT was invited by the Commission's Small Business Program Staff to attend the Workshop held on July 6, 2010. Betty Jo Toccoli, President of CSBA and Chair of CSBRT, attended, presented CSBA/CSBRT's position on the issues in this proceeding and actively participated in the discussion at the Workshop. Indeed, as reflected in the Workshop Report, it seems that CSBA/CSBRT were the only small business organizations offering comments at the Workshop.</p>

CSBA/CSBRT would like to continue to participate in this proceeding on behalf of their small business members. CSBA/CSBRT filed Opening Comments on the Staff's Workshop Report. CSBA/CSBRT will also like to file Opening and Reply comments on the Proposed Decision and otherwise participate in the proceeding as necessary.

- The party's statement of the issues on which it plans to participate.

CSBA/CSBRT intends to focus on the following issues: (a) Whether the terms and conditions for back-billing and refunds should be modified and if so how, (b) Whether the terms and conditions for deposits should be modified and if so how, and (c) Whether the definition of small business in the proposed rule or an alternative definition should be adopted.

At the workshop and in its written comments, CSBA/CSBRT supported the following: (a) Like residential customers, small business customers should not be back-billed for more than three months, (b) Small businesses should not be required to re-establish credit resulting from slow payment of any back-billed amount, (c) The refund period for overcharges should be consistent at three years regardless of whether the overcharges are due to a billing or metering error, (d) Utilities should charge only up to twice the average monthly bill, instead of twice the maximum monthly bill and (e) Adoption of demand and usage-based criteria (annual consumption of 40,000 kwh or less or an energy demand of 20 hw or less, annual consumption of less than 10,000 therms) to define "small business" as an alternative to the definition of "micro-business" in California Government Code Section 14837.

<b>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)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY FEES</b>				
Carl K. Oshiro	40	\$400	\$16,000	
[Attorney 2]				
		<b>Subtotal:</b>	\$16,000	
<b>EXPERT FEES</b>				
[Expert 1]				
[Expert 2]				
		<b>Subtotal:</b>		
<b>OTHER FEES</b>				
[Person 1]				
[Person 2]				

		<b>Subtotal:</b>		
<b>COSTS</b>				
Postage, copying, etc.			\$1,200	
[Item 2]				
[Item 3]				
		<b>Subtotal:</b>	\$1,200	
		<b>TOTAL ESTIMATE \$:</b>	\$17,200	
Comments/Elaboration (use reference # from above): The reasonableness of any fees and expenses requested will be established in the Request for Compensation if one is filed.				
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)

	<b>Applies (check)</b>
<p><b>A. The party claims "significant financial hardship" for its claim for intervenor compensation in this proceeding on the following basis:</b></p> <p>CSBA/CSBRT is not requesting a ruling on significant financial hardship at this time.</p>	<input type="checkbox"/>
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	<input type="checkbox"/>
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)).	<input type="checkbox"/>
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)).	<input type="checkbox"/>
ALJ ruling (or CPUC decision) issued in proceeding number:	<input type="checkbox"/>
Date of ALJ ruling (or CPUC decision):	<input type="checkbox"/>

<p><b>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):</b></p>
--

**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
2	CSBRT's Articles of Incorporation

**ADMINISTRATIVE LAW JUDGE RULING<sup>2</sup>**  
(ALJ completes)

	Check all that apply
<b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b>	
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):	
<b>2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).</b>	
<b>3. The NOI has not demonstrated significant financial hardship for the following reason(s):</b>	
<b>4. The ALJ provides the following additional guidance (see § 1804(b)(2)):</b>	

<sup>2</sup> 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:**

	<b>Check all that apply</b>
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:

Parties Served by E-Mail		
catherine.mazzeo@swgas.com	CATHERINE FADIA	MAZZEO
fadia.khoury@sce.com	RAFEEDIE	KHOURY
nquan@gswater.com	NGUYEN	QUAN
KHassan@SempraUtilities.com	KIM F.	HASSAN
map@cpuc.ca.gov	Marion	Peleo
nsuetake@turn.org	NINA	SUETAKE
DFC2@pge.com	DANIEL F.	COOLEY
michelle.mishoe@pacificorp.com	MICHELLE R.	MISHOE
GHealy@SempraUtilities.com	GREGORY	HEALY
stephaniec@greenlining.org	STEPHANIE C.	CHEN
don.soderberg@swgas.com	DONALD L.	SODERBERG
valerie.ontiveroz@swgas.com	VALERIE J.	ONTIVEROZ
brooks.congdon@swgas.com	BROOKS	CONGDON
tdillard@sppc.com	TREVOR	DILLARD
case.admin@sce.com	CASE	ADMINISTRATION
rkmoore@gswater.com	RONALD	MOORE
KSwitzer@gswater.com	KEITH	SWITZER
kderemer@semprautilities.com	KENNETH J.	DEREMER
CPUCCASES@pge.com	CPUC FILE	ADMINISTRATION
cem@newsdata.com		
bkc7@pge.com	BRIAN K.	CHERRY
regrelcpuccases@pge.com	CASE	COORDINATION
ROJ3@pge.com	RONALD	JANG
aliciam@greenlining.org	ALICIA	MILLER
jeanc@greenlining.org	JEAN	CHUNG
oshirock@pacbell.net	CARL K.	OSHIRO
Mike@alpinenaturalgas.com	MIKE	LAMOND
joyw@mid.org	JOY A.	WARREN
Ralf1241a@cs.com	JOHN	DUTCHER
westgas@aol.com	RAYMOND J.	CZAHAR
californiadockets@pacificorp.com	CATHIE	ALLEN
ddm@cpuc.ca.gov	Drisha	Melton
bmd@cpuc.ca.gov	Bruce	DeBerry



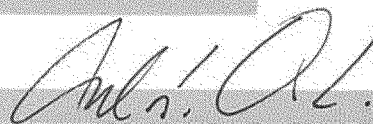
kwz@cpuc.ca.gov  
kho@cpuc.ca.gov  
lwt@cpuc.ca.gov  
zaf@cpuc.ca.gov  
sjg@cpuc.ca.gov

Karen  
Ke Hao  
Lee-Whei  
Marzia  
Stephanie

Watts-Zagha  
Ouyang  
Tan  
Zafar  
Green

Parties Served by Mail  
F.E. JOHN  
VP Regulatory Affairs  
Southern California Gas Co.  
720 West 8th Street  
Los Angeles CA 90017

Executed this 21st day of September, 2010, at San Francisco,  
California.



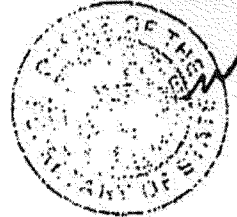
Carl K. Oshiro  
Counselor at Law  
52 Olive Avenue  
Larkspur, CA 94939  
[415] 927-0158  
[415] 927-3515 (Fax)  
oshiro@pacbell.net

**ATTACHMENT 2:**  
**CSBRT's Articles of Incorporation**

2095269

# State of California

## SECRETARY OF STATE



*4 Pages*

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

*IN WITNESS WHEREOF*, I execute this certificate and affix the Great Seal of the State of California this

OCT 22 1998



*Bill Jones*

Secretary of State

**2095269**

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

**OCT 19 1998**

**BILL JONES, Secretary of State**

**ARTICLES OF INCORPORATION OF  
CALIFORNIA SMALL BUSINESS ROUNDTABLE, INC.  
A California Non-Profit Public Benefit Corporation**

**I**

The name of this corporation is California Small Business Roundtable, Inc.

**II**

The name of the existing unincorporated association now being incorporated by the filing of these articles is the California Small Business Roundtable.

**III**

This corporation is a non-profit public benefit corporation and is not organized for the private gain of any person. It is organized under the non-profit public benefit corporation law for public and charitable purposes.

The specific public purposes for which the corporation is organized include, but are not limited to general advocacy on behalf of California small businesses, dissemination of information relevant to small businesses, and representation of small business interest before various public agencies, all to the benefit of all citizens of California. Because of the dependence of small businesses and all California residents on safe, reliable and fairly priced utility services, the purposes include representing the interests of small businesses and residential utility customers in all matters relating to the provision of electricity, natural gas, telecommunications, water and other utilities.

**IV**

The name and California address of the corporation's initial agent for service of process are Betty Jo Toccoli, 6101 West Centinela Avenue, Suite 342, Culver City, California 90230.

**V**

This corporation is organized and operated exclusively for the charitable and public purposes within the mean of Section 501 (c) (6) of the Internal Revenue Code or the corresponding provisions of any future United States internal revenue law.

## VI

The property of this corporation is irrevocably dedicated to public purposes, and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or member of this corporation, or to the benefit of any private individual.

## VII

Upon the winding up and dissolution of this corporation, and after paying or adequately providing for the debts and obligations of the corporation, the remaining assets shall be redistributed to such organizations organized and operated exclusively for public, charitable, or educational purposes, and which has established a tax-exempt status under Internal Revenue Code Section 501 (c) (3), 501 (c) (4), 501 (c) (6) or corresponding provisions of any future federal Internal Revenue law.

## VIII

Notwithstanding any other provision of these articles, the corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under section 501 (c) (6) of Internal Revenue Code of 1954 where the corresponding provision of any future United States Internal Revenue law.

## IX

No director, officer, or member of this corporation shall be subject to assessment by the corporation nor shall any such director, officer, or member of this corporation be personally liable for any of the debts, liabilities or obligations of the corporation, nor shall personal liability in any event attached to any member of this corporation in connection with any of it's undertakings. All of the corporation's liability shall be limited to its common funds and assets.

## X

Notwithstanding any provision contained in these articles or in any other governing instrument of this corporation, during any period, and to the extent that this corporation is a private foundation described in section 509 of the Internal Revenue Code of 1986 or corresponding provisions of any subsequent federal tax laws, this corporation is required to distribute its income from each taxable year at such times and in such manner as not to subject the corporation to tax

under section 4942 of said code. In addition, this corporation shall not, during any period and to the extent it is a private foundation described in section 509 of such code: (a) engage in any act of self dealing (as defined in section 4941 (d) of said code); (b) retain any excess business holdings (as defined in section 4943 (c) of said code); (c) make any investments in such manner as to subject the corporation to tax under section 4944 of said code; or (d) make any taxable expenditures (as defined in section 4945 (d) of said code).

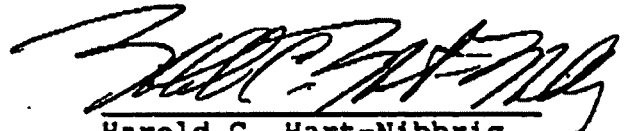
XI

This corporation has no members.

I further declare under penalty of perjury under the laws of the state of California that the matter set forth in the certificate are true and correct of our own knowledge.

Dated:

10/16/98



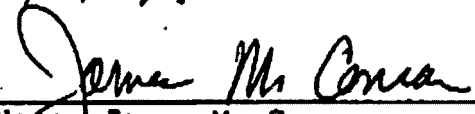
Harold C. Hart-Nibbrig,  
Incorporator

## DECLARATION

Betty Jo Toccoli and James M. Conran declare under penalty of perjury under the laws of the State of California that they are the President and Secretary, respectively, of California Small Business Roundtable, referred to in the Articles of Incorporation to which this declaration is attached, and that that association has duly authorized and approved, in accordance with its rules and procedures, its incorporation by means of those articles.

Executed at Los Angeles, California, on October 19, 1998.

  
Name: Betty Jo Toccoli

  
Name: James M. Conran

