

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
SEEK INTERVENOR COMPENSATION**

Pursuant to Public Utilities Code section 1804, California Small Business Association and California Small Business Roundtable hereby give notice of their intent to seek intervenor compensation in this proceeding.

I. *California Small Business Association's and California Small Business Roundtable's Interest in this Proceeding.*

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.¹

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.

II. The Nature and Extent of CSBA/CSBRT's Planned Participation in the Proceeding.

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.

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 was the only small business organization offering comments at the Workshop.

¹ CSBRT has previously filed its Articles of Incorporation in R. 00-02-004.

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

III. An Estimate of the Compensation that CSBA/CSBRT Expects to Request.

At this time, CSBA/CSBRT provides the following estimated budget for its participation in this proceeding.

Attorney Fees (40 hours at \$400 per hour)	\$16,000
Expenses (copying, postage, etc.)	\$1,200
Total Estimated Fees and Expenses	\$17,200

Of course, this budget is subject to change in the course of the proceeding.

IV. Significant Financial Hardship.

Section 1804(a)(2)(B) provides that the notice of intent may include a showing that participation in the proceeding would pose a "significant financial hardship." Previously, CSBRT was found to have met the significant financial hardship test in R.00-02-004 (OIR on the Commission's Own Motion to Establish Consumer Rights and Consumer Protection Rules Applicable to All Telecommunications Utilities) and awarded intervenor compensation in D. 04-12-054, D. 02-04-008, D. 05-02-017, and D. 06.11-009.² CSBA and CSBRT were found to have met the significant financial hardship test

² In D. 06.11-009, the Commission found that CSBRT met the requirements for an award of intervenor compensation stating:

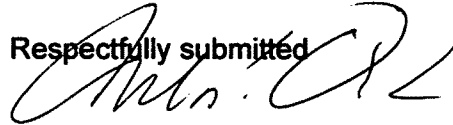
A. California Small Business Roundtable

CSBRT is a non-profit organization formed for, among other purposes, advocating on behalf of California's small businesses and representing the interests of both small business and residential customers in all matters relating to utility services. CSBRT has argued consistently throughout the proceeding that small business customers are vulnerable to fraudulent, misleading and unfair practices, and have been victimized by slamming, cramming and other abusive

in R. 98-06-029 (OIR into the Service Quality Standards for All Telecommunications Carriers and Revisions to G.O 133-B) and awarded intervenor compensation in D. 02-01-064. CSBA/CSBRT does not request a ruling on significant financial hardship at this time but instead will make a showing if and when they request an award of intervenor compensation.

Dated: September 1, 2010

Respectfully submitted



Carl K. Oshiro
Counselor at Law
52 Olive Avenue
Larkspur, CA 94939
[415] 927-0158
[415] 927-3515 (Fax)
Attorney for CSBA/CSBRT

practices in much the same way as residential customers. Accordingly, CSBRT has argued that whatever rights and rules the Commission ultimately issues should apply to small business.

In this phase of the proceeding, CSBRT filed eight sets of comments and replies in response to two Assigned Commissioner rulings, the Assigned Commissioners' proposed decision, and the alternate proposed decision of Commissioner Grueneich. To substantiate its contributions, CSBRT points to several factual contentions and policy recommendations it says it proposed or actively supported and were adopted in D.06-03-013. The Commission did accept CSBRT's argument that small businesses needed protection, and that small businesses should be included in the consumer education program. CSBRT recommended that the Commission's education program should not rely on disseminating information by the Internet alone, and that it should be reviewed on a regular and objective basis. The Commission accepted both of those recommendations. Likewise, the Commission agreed to create a small business liaison to serve as an intermediary between the Commission and the small business community and directly credited CSBRT for that recommendation. CSBRT argued for other measures that were not part of the final decision (*e.g.*, the 30-day right to cancel in former Rule 3(f), and defining small business as those with up to 20 lines and one T-1 line), but even there its views were reflected in the alternate proposed decision that was considered but not adopted. Accordingly, we find that CSBRT made a substantial contribution to D.06-03-013. (D. 06.11-009, p. 26, footnotes omitted.)

CERTIFICATE OF SERVICE

Re. 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 (OIR 10-05-005).

I hereby certify that on this day I served a copy of the attached NOTICE OF INTENT TO SEEK INTERVENOR COMPENSATION on all known parties by (i) emailing a copy to each party with an email address appearing on the official service list for the above proceeding and (ii) mailing by first class mail to all others. (Pursuant to Rule 1.9, a list of the names of the persons and entities served is attached to the original certificate filed with the Commission.)

Dated in Larkspur, California on September 1, 2010.



Carl K. Oshiro