

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company with Respect to Facilities Records for its Natural Gas Transmission System Pipelines.

FILED
PUBLIC UTILITIES
COMMISSION
FEBRUARY 24, 2011
SAN FRANCISCO OFFICE
I.11-02-016

**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 (TURN)			
Assigned Commissioner: Michel Peter Florio		Assigned ALJ: Amy C. Yip-Kikugawa	
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:	April 18, 2011	Printed Name:	Marcel Hawiger

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 Category 3 "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 directed 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: <u>March 17, 2011</u>	Yes <u>X</u> No <u> </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> </u> No <u>X</u>
2a. The party's description of the reasons for filing its NOI at this other time: n/a	
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: n/a	

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)):
<p><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).</p> <p>TURN intends to participate actively in this proceeding; however, the nature of our participation may be more limited than customary as TURN expects that the primary source of investigation and testimony will be the CPSD. TURN expects to review the reports and testimonies submitted in this proceeding to further determine the nature of our participation. If necessary, TURN will conduct limited discovery, submit expert</p>

testimony and file all necessary briefs and pleadings to address relevant policy and legal issues.

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

TURN's interest in this proceeding is broadly to assess the reasonableness of PG&E's record-keeping in light of applicable rules and regulations. Furthermore, we wish to explore whether PG&E's record-keeping and retrieval practices are in keeping with its historical funding requests and authorizations for such work. TURN will focus on more specific issues after we review reports and testimonies submitted by PG&E and CPSD.

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				
Marcel Hawiger	90	325	29,250	
Robert Finkelstein	10	470	4,700	
		Subtotal:	33,950	
EXPERT FEES				
Expert Consultant In Pipeline Safety and Operations			10,000	
		Subtotal:	43,950	
OTHER FEES				
[Person 1]				
		Subtotal:		
COSTS				
Legal Research			1,000	
Xeroxing and Photocopying			500	
Consultant Travel			1,000	1
		Subtotal:	2,500	
		TOTAL ESTIMATE \$:	46,450	

Comments/Elaboration (use reference # from above):

1 – Based on our present knowledge we anticipate that any expert witness will likely be located out of state and will require non-routine travel cost reimbursement.

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)).	X
ALJ ruling (or CPUC decision) issued in proceeding number: P.10-08-016 Date of ALJ ruling (or CPUC decision): November 22, 2010	

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 NOD):

**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:

atrowbridge@daycartermurphy.com
austin.yang@sfgov.org
ayk@cpuc.ca.gov
bcragg@goodinmacbride.com
BKC7@pge.com
bmcc@mccarthy.com
bstrottman@meyersnave.com
bts1@pge.com
cem@newsdata.com
cjackson@gci.sanbruno.ca.us
cleo.zagrean@macquarie.com
cpe@cpuc.ca.gov
cpj@pge.com
dgenasci@DayCarterMurphy.com
dng@semprautilities.com
enriqueg@greenlining.org
epoole@adplaw.com
filings@a-klaw.com
gcaldwell@sanbruno.ca.gov
jheckler@levincap.com
JLsalazar@SempraUtilities.com
JMalkin@Orrick.com
kcl@cpuc.ca.gov
kfabry@sanbruno.ca.gov
lhj2@pge.com
marcel@turn.org
margaret@mfelts.com
martinhomec@gmail.com
mc3@cpuc.ca.gov
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StephanieC@greenlining.org
theresa.mueller@sfgov.org
wmc@a-klaw.com

Executed this 18th day of April, 2011, at San Francisco,
California.

/S/

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