

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Continue Implementation and
Administration of California Renewables
Portfolio Standard Program.

Rulemaking 11-05-005
(Filed May 5, 2011)

**UPDATED NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
OF THE UNION OF CONCERNED SCIENTISTS**

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Dated: June 6, 2011

UPDATED NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION OF THE UNION OF CONCERNED SCIENTISTS

I. INTRODUCTION

Pursuant to the May 10, 2011 *Order Instituting Rulemaking Regarding Implementation and Administration of the Renewables Portfolio Standard Program* (“OIR”), the Union of Concerned Scientists (“UCS”) hereby updates its Notice of Intent (“NOI”) to claim intervenor compensation. The OIR ruled that parties found eligible for compensation in R.08-08-009 remain eligible for compensation in R.11-05-005, but requested that such parties amend their request with new information on planned participation, potential compensation request, and other relevant information. UCS is filing an amendment to its previously filed and accepted NOI in R.08-08-009 within 30 days of the date this OIR was mailed.¹ Therefore, this updated notice is timely filed.

II. BACKGROUND

UCS filed its NOI in R.08-08-009 on October 14, 2008 and the Commission found UCS eligible to claim intervenor compensation in R.08-08-009 on November 19, 2009. There has been no change to UCS’s customer status or its situation of significant financial hardship since the Commission found UCS eligible to claim compensation in R.08-08-009.

III. NATURE AND EXTENT OF PLANNED PARTICIPATION

¹ OIR at 20

Section 1802(a)(2)(A)(i) of the P.U. Code provides that an NOI must include a statement of the nature and extent of the customer's planned participation in the proceeding. In its NOI filing in R.08-08-009, UCS stated its intent to participate in all four of the issues set out in the Scoping Memo, which were: the issuance of 2009 Procurement Plans, completion of Assembly bill 1969 implementation and expansion to other customers, completion of an Assigned Commissioner's Ruling Addressing Process Issues Relative to RPS Compliance Reports, and review of least cost-best fit (LCBF) methodology and criteria.² UCS has participated in the resolution of these issues, but has not filed a request for compensation.

In R.11-05-005, UCS plans to participate in the implementation of most of the issues identified in Attachment A of the May 10, 2011 OIR, including modifying RPS compliance rules, REC trading rules, procurement rules, enforcement rules, and developing an RPS cost containment mechanism. UCS may narrow its scope of participation, as appropriate, in an effort to minimize duplication with other parties representing similar interests. UCS has already been and intends to continue consulting regularly with other parties towards this end.

At this time, UCS anticipates that its participation in this proceeding will consist of submitting comments, briefs, and discovery, and participating in workshops. If evidentiary hearings are held, UCS may also sponsor expert testimony and conduct cross-examination, but has not yet made a decision to do so.

IV. ITEMIZED ESTIMATE OF COMPENSATION REQUEST

² UCS NOI in R.08-08-009 at 2.

Section 1804(a)(2)(A)(ii) of the P.U. Code requires that an NOI include an itemized estimate of the expected compensation request. Without prejudice to our ability to request a higher amount if the nature and duration of the proceeding so warrants, UCS currently estimates a budget of \$68,512.50, comprised of the following components:

1. Staffing, hours and proposed billing rates:

UCS Staff:

- Laura Wisland, Senior Energy Analyst³; 350 hours at \$140/hr = \$47,250
- Additional energy analyst support⁴; 150 hours at \$135/hr = \$20,250

2. Expert witness(es): none budgeted at this time, but UCS may incur this expense depending on the specific issues addressed in the proceeding and/or whether evidentiary hearings are held.

3. Travel and Compensation Request preparation time:

UCS Staff:

- Laura Wisland, Senior Energy Analyst; 15 hours at \$67.50/hr = \$1,012.50.

The amount of any future claim to compensation is dependent upon the actual scope of the case and the final decision(s) in this proceeding. UCS will address the reasonableness of the hourly rates requested for UCS representatives in its request for compensation, if request for compensation is filed.

V. CONCLUSION

³ Billing rate for Laura Wisland used in this NOI are based on those proposed in two claims for compensation in 2010 by UCS in R.06-02-012. This rate does not reflect a cost of living adjustment for 2011 nor Wisland's promotion to Senior Energy Analyst.

⁴ UCS is in the process of adding additional program staff who will focus substantially on this proceeding. This proposed rate for additional energy analyst support is a rough estimate and subject to change, based on the actual level of experience associated with this future hire.

UCS respectfully requests that the assigned Administrative Law Judge issue a ruling finding that the Commission finds UCS eligible for compensation in this proceeding. Specifically, UCS requests that such a ruling find that: (1) UCS is a customer as defined in P.U. Code Section 1802(b); (2) UCS has made an adequate showing of financial hardship as defined in P.U. Code Section 1802(g); and (3) UCS has met the requirements of P.U. Code Section 1804(a) for eligibility for compensation.

Respectfully submitted,



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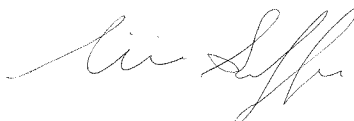
Dated: June 6, 2011

CERTIFICATE OF SERVICE

I, Miriam Swaffer, certify that on this date, I have caused the foregoing
UPDATED NOTICE OF INTENT TO CLAIM COMPENSATION OF THE UNION OF
CONCERNED SCIENTISTS to be served by electronic mail, or for any party for which
an electronic mail address has not been provided, by U.S. mail on the parties listed on the
service lists for the proceeding in California Public Utilities Commission Docket No.
R.11-05-005

I declare under penalty of perjury, pursuant to the laws of the State of California,
that the foregoing is true and correct.

Executed on June 6, 2011 in Berkeley, California.



Miriam Swaffer

VERIFICATION

I, Laura Wisland, am a representative of the Union of Concerned Scientists and am authorized to make this verification on the organization's behalf. The statements in the foregoing document are true to the best of my knowledge, except for those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 6, 2011 in Berkeley, California.



Laura Wisland