Agenda ID #____

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Utility Reform Network for an Award of Intervenor Compensation for Substantial Contributions to Resolution L-411 and the Commission Proceeding Leading Thereto.	A.11-06-___ Filed June 09, 2011

APPLICATION OF THE UTILITY REFORM NETWORK TO FILE[1] CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION

Claimant: The Utility Reform Network			**For contribution to Res. L-411**
Claimed ($):19,953			**Awarded ($):**
Assigned Commissioner: N/A			**Assigned ALJ: N/A**
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).			
		Signature:	**/s/**
Date:	**6/9/11**	**Printed Name:**	**Robert Finkelstein**

PART I: PROCEDURAL ISSUES (to be completed by Claimant except where indicated)

A. Brief Description of Decision: In Resolution L-411, the Commission established a one-way memorandum account for all cost-of-service rate regulated utilities that do not address the New Tax Act[2] in a 2011 or 2012 test year GRC, in order to track the impacts of the New Tax Act. The resolution authorized the

[1] TURN submits this Request for Compensation as a separate "application" in order to minimize filing and processing difficulties where such a request addresses a Commission resolution for which there is no separate application number. TURN consulted with Deputy Chief ALJ Michelle Cooke on this matter, and she gave her permission for TURN to so designate the pleading.

[2] The "New Tax Act" refers to the federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

impacted utilities to use savings from the new tax law to reduce rates or to invest in additional, needed utility infrastructure, without the need for a formal application or advice letter so long as the investment met specified guidelines.

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	n/a	
2. Other Specified Date for NOI:	n/a	
3. Date NOI Filed:	n/a	
4. Was the notice of intent timely filed? **See comment below**		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.10-11-015	
6. Date of ALJ ruling:	6/3/11	
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	P.10-08-016	
10. Date of ALJ ruling:	11/22/10	
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	Resolution L-411	
14. Date of Issuance of Final Decision:	4/15/11	
15. File date of compensation request:	6/9/11	
16. Was the request for compensation timely?		

C. Additional Comments on Part I (use line reference # as appropriate):

#	Claimant	CPUC	Comment
B4			In D.98-11-049, the Commission determined that an NOI incorporated in the timely-filed Request for Compensation for work on an advice letter is itself timely filed. TURN has attached to this form compensation request our form NOI for this proceeding. In D.09-09-027 (awarding compensation for TURN's substantial contribution to Res. E-4227 on the SCE HECA Advice Letter), the Commission permitted a similar approach without comment.

PART II: SUBSTANTIAL CONTRIBUTION **(to be completed by Claimant except where indicated)**

A. In the fields below, describe in a concise manner Claimant's contribution to the final decision ***(see*** **§ 1802(i), § 1803(a) & D.98-04-059) (For each contribution, support with specific reference to final or record.)**

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
1. The resolution that became L-411 started off as Draft Resolution W-4867, issued on approximately December 30, 2010. The initial draft resolution sought to ensure that the cost savings that would flow from the New Tax Act would be reflected in rates. It would have made "subject to refund" the rates of all cost-of-service-regulated utilities; directed workshops to address the impact the New Tax Act is likely to have on the various utilities; and only then have the Utility, Audit, Finance & Compliance Branch of the Division of Water and Audits recommend to the Commission how to resolve issues associated with ensuring the tax-related savings are reflected in rates.	Draft Resolution W-4867.	
Alone among the parties submitting comments at this time, TURN's comments on the original draft resolution supported the general principle of ensuring that the tax benefits under the New Tax Act would be fully reflected in rates. TURN also called for expanding the treatment to the Small Business Job Act of 2010.	TURN Comments, January 7, 2011.	
The final resolution bore a different name, was issued through the Legal Division rather than DWA, and addressed the substance of many of the issues that draft Res. W-4867 would have deferred to workshops. However, it maintained the fundamental principle that the cost savings from the New Tax Act should flow to	Res. L-411, Finding 6.	

ratepayers, rather solely to utility shareholders.		
2. A second version of the draft resolution (now designated Res. L-411) issued on or about February 7, 2011. The revisions included abandoning the "subject to refund" approach (that would have permitted the Commission to defer more of the issues) in favor of giving the utility the choice of using the benefits to reduce rates or to fund "additional, needed capital investments." TURN submitted lengthier comments on the second version on February 14, 2011. TURN renewed its call for inclusion of the Small Business Job Act, and raised concerns about the "additional, needed capital investments" approach in the draft. TURN also noted that certain types of capital investment should be excluded (such as vehicles and real property), and that the new approach would warrant before-the-fact review (through an advice letter or application) rather than an after-the-fact reasonableness review. In the next version of the Draft Resolution, the Commission included the Small Business Job Act and identified vehicles and real property as capital investments NOT eligible for funding with tax benefits.	Draft Res. L-411, Version 2, pp. 3-4 and Finding and Conclusion 8. TURN Comments, 2/14/11. Draft Resolution Version 3 (2/28/11), p. 10; and Findings and Conclusions 3-4.	
3. A fifth version of Draft Resolution L-411, issued on or about March 10, 2011, provided two ways for a utility to proceed if it wished to invest its tax savings in utility infrastructure rather than use those savings to reduce rates; it could file an application, or submit an advice letter that generally described the type of investment, cost, and how it would be funded with tax savings. Commissioners Sandoval and Ferron convened an all-party meeting on March 30, 2011. The cost-of-service-regulated utilities were represented in substantial numbers. TURN served as the primary representative of consumer interests. (DRA also attended but participated in a very limited fashion.) At the conclusion of the meeting, the Commissioners invited parties to submit alternatives that might serve as approaches to capturing the tax benefits while mitigating some of the concerns raised in the meeting. On April 5, 2011, TURN submitted an alternative approach to the pre-spending application or advice letter that had	Draft Res. L-411, Version 5, p. 6 and Ordering Paragraph 7.	

been a subject of much discussion at the previous week's all-party meeting. TURN proposed that the final Resolution establish clear guidelines of the types of capital spending the Commission seeks to encourage. To the extent a utility stays within those guidelines, it would not need to seek pre-approval of its spending proposal. Should a utility wish to invest the tax benefits in an area outside of the guidelines, it would need to file a pre-spending application or advice letter. TURN submitted six such guidelines for the Commission's consideration. Almost immediately after TURN served the 4/5/11 letter on the other parties, TURN engaged in discussions with PG&E to further refine the proposed guidelines. As a result of these discussions, PG&E's 4/8/11 letter presenting the utility's tax savings estimate also stated the utility's support for TURN's 4/5/11 proposal, with a few modifications that TURN had generally agreed would be consistent with that proposal. Resolution L-411 as adopted included revisions to reflect TURN's proposal.	TURN April 5, 2011 letter. PG&E April 8, 2011 letter. Res. L-411, p. 6.	
Summary: The path from the initial draft resolution to the final version of Res. L-411 was somewhat more tortuous than is usually the case for a resolution, as evidenced by six or seven drafts issued over only a four month period. In the end, though, Resolution L-411 reflects TURN's substantial contribution in two very important ways. First, TURN alone among the active parties supported the underlying goal of ensuring that the tax benefits that cost-of-service-regulated utilities could realize under the New Tax Act would benefit utility customers, either in the form of reduced rates or through investment in necessary utility infrastructure. This element of Resolution L-411 should not be taken for granted, as even at the end of the process several utilities were calling for the Commission to reject it altogether. Second, TURN's participation proved to be critical in finding an approach that would balance the need for pre-approval of additional infrastructure spending with the accelerated time frame for such review and approval under the terms of the New Tax Law. TURN's proposal to develop spending categories that would serve as "safe havens" of a sort ended up embodied in the final resolution. On several issues TURN's position was not reflected in the		

final resolution. However, the Commission should find that TURN made a substantial contribution even on those issues, as several of the earlier draft Resolutions would have adopted outcomes consistent with TURN's position. (See, for example, Version 4 (including the Small Business Job Act) and Version 5 (rejecting calls by SCE to exempt utilities with a 2012 GRC).) The Commission has long recognized that outcomes in a proposed decision, even where not adopted by the Commission, demonstrate the ALJ adopting factual, legal or policy contentions of an intervenor that constitute a "substantial contribution" under Section 1802(i). TURN submits that similar treatment is appropriate for a draft resolution that adopts factual, legal or policy contentions of an intervenor.		

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	**Y**	
b. Were there other parties to the proceeding? (Y/N)	**Y**	
c. If so, provide name of other parties: Each of the four major energy utilities (PG&E, SCE, SoCalGas and SDG&E (jointly as the Sempra Utilities)); the water utilities through California Water Association (CWA); the small local exchange carriers (LECs), Mountain Utilities, NRG EnergyCorp., PacifiCorp, and Alpine Natural Gas.		
d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: Coordination in the advice letter process is more challenging than in other Commission proceedings, due to the more compressed time frame and general absence of discovery and briefs. Furthermore, coordination to avoid duplication was largely unnecessary here, as TURN was the only non-utility party who was an active participant in this matter. DRA's participation was generally limited to participation in an all-party meeting conducted relatively late in the process. The Commission should therefore determine that there was no material duplication in the proceeding.		

C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Claimant	CPUC	Comment

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Claimant except where indicated)

A. General Claim of Reasonableness (§§ 1801 & 1806):

Concise explanation as to how the cost of claimant's participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)	CPUC Verified
In Res. L-411 the Commission described how "there could be substantial amounts in deferred tax reserves that do not get reflected in rates unless the Commission takes action." (Res. L-411, p. 3). As PG&E's letter of April 8, 2011 illustrates, these could amount to tens of millions of dollars for a single utility during the 2011-2013 period. (PG&E Letter of April 8, 2011, Appendix A). TURN's request of approximately $20,000 is extremely reasonable given the amounts at stake, TURN's role as the sole voice on behalf of consumers throughout most of the proceeding, and the outcome achieved.	

B. Specific Claim:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate $	Basis for Rate*	Total $	Year	Hours	Rate $	Total $
R. Finkelstein	2011	36.75	$470	Res. ALJ-267	$17,273				
				Subtotal:	*$17,273*			*Subtotal:*	
EXPERT FEES									
Item	Year	Hours	Rate $	Basis for Rate*	Total $	Year	Hours	Rate $	Total $
W. Marcus	2011	5.08	$250	D.08-11-053[3]	$1,270				
				Subtotal:	*$1,270*			*Subtotal:*	
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate $	Basis for Rate*	Total $	Year	Hours	Rate $	Total $
R. Finkelstein	2011	6.0	$235	See above	$1,410				
				Subtotal:	*$1,410*			*Subtotal:*	
COSTS									
#	Item	Detail			Amount	Amount			
		TURN does not seek recovery of any costs.							
				Subtotal:	0			*Subtotal:*	
				TOTAL REQUEST $:	$19,953			TOTAL AWARD $:	

When entering items, type over bracketed text; add additional rows as necessary.

*If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale.

[3] D.08-11-053 approved this rate for work performed in 2008; JBS Energy has not changed its rate for Mr. Marcus's work since then.

**Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

C. Attachments or Comments Documenting Specific Claim (Claimant completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
Attach 1	**Certificate of Service**
Attach 2	**Notice of Intent to Claim Compensation**
Attach 3	**Daily Time Records for Attorneys and Experts**
Note 1	**Reasonableness of TURN Hours**: Robert Finkelstein was the sole TURN attorney handling this matter. He received support throughout from William Marcus of JBS Energy, who recorded a very small number of hours for his work in that role. The number of hours recorded by both Mr. Finkelstein and Mr. Marcus followed the same pattern. A relatively small amount of hours was recorded in January (when Resolution W-4867 issued with its simpler approach that would have largely deferred resolution of most of the underlying issues), with slightly higher amounts in February and through mid-March as additional and more complicated versions of the draft Resolution L-411 were issued for comment. In late-March through mid-April, a substantially greater number of hours were recorded, consistent with the need to prepare for and participate in the all-partying meeting on March 30, the development and presentation of TURN's alternative approach to pre-spending review, discussions with PG&E to further develop that alternative approach, and the final comment letter submitted in mid-April, just before the Commission's vote on Resolution L-411. Finally, TURN has included a few hours devoted to reviewing and submitting comments on Draft Resolution L-411A, issued in May of 2011. TURN submits that this is consistent with our past practice of including in a compensation request hours recorded for the implementation of the decision that reflects TURN's substantial contribution, such as a post-decision advice letter. Even with all of this activity, Mr. Finkelstein recorded less than 40 hours total for work on this matter, with approximately 30 hours over the final two week period prior to the Commission's vote. (Mr. Marcus recorded less than 5 hours over that same two-week period.) TURN submits that devoting a few hours per week on average, with approximately two days per week devoted to this matter during its most active phase, is a reasonable number of hours given the importance of the issue and the fact that TURN was the only consistently active party on behalf of ratepayers. Finally, TURN is requesting compensation for 6.0 hours devoted to compensation-related matters, primarily preparation of this request for compensation. The number of draft resolutions and the shifting manner in which each addressed the underlying issues caused TURN to devote more time to the substantial contribution description than would normally be the case for a resolution that addresses a relatively narrow range of issues. TURN submits that this small number should be found reasonable.
Note 2	**Allocation of Hours:** TURN typically includes in its compensation requests an allocation of time among the issues that it addressed. Such an allocation is close to impossible under the circumstances of the process that produced Resolution L-411. First, the overriding issue from the first issuance of draft Res. W-4867 through adoption of Resolution L-411 was whether the unanticipated decreases in tax expense due to the New Tax Act would flow to benefit

	ratepayers. Even at the very last, many of the utilities were calling upon the Commission to abandon the draft resolution altogether and to take no action whatsoever. Second, almost none of the work associated with TURN's efforts in this matter addressed a single issue. Instead, the comments and letters to the Commission addressed an array of the implementation issues. And since comments on the different versions of the draft Resolution were often due within a few days of the issuance of the newest version, TURN generally worked on the issues all at once. Therefore, TURN has not attempted to allocate the individual daily time entries by issue or activity. Instead, TURN submits the following as a reasonable general allocation of the hours among the various issues TURN addressed: The appropriateness of capturing benefits for ratepayers – 20% General need for specificity of "additional, needed capital investment" – 15% Development and presentation of proposed guidelines for "additional, needed capital investment" – 40% Inclusion of Small Business Job Act – 15% Treatment of utilities with a 2012 Test Year GRC – 10% TURN submits that under the circumstances this information should suffice to address the allocation requirement under the Commission's rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.
Note 3	**Hourly Rate for TURN attorney in 2011**: The Commission has not previously authorized an hourly rate for TURN's attorneys or consultants where the substantive work in the proceeding occurred in 2011. In this proceeding TURN requests compensation using the previously-approved 2008 hourly rate for its attorney's work, consistent with Resolution ALJ-267 as applied to these circumstances. TURN also uses the previously approved hourly rate for its consultant because the firm has not sought to increase that hourly rate since then.

D. CPUC Disallowances & Adjustments (CPUC completes):

#	Reason

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this claim, Commission Staff or any other party may file a response to the claim (*see* § 1804(c))

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the claim (Y/N)?

If so:

Party	Reason for Opposition	CPUC Disposition

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(c)(6)) (Y/N)?

If not:

Party	Comment	CPUC Disposition

FINDINGS OF FACT

1. Claimant [has/has not] made a substantial contribution to Decision (D.) _____.
2. The claimed fees and costs [, as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is $_____.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded $_____.
2. Within 30 days of the effective date of this decision, _____ shall pay claimant the total award. Payment of the award shall include interest at the rate earned on prime,

three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning _____, 200__, the 75th day after the filing of claimant's request, and continuing until full payment is made.

3. The comment period for today's decision [is/is not] waived.

4. [This/these] proceeding[s] [is/are] closed.

5. This decision is effective today.

Dated _____, at San Francisco, California.

Attachment 1:
Certificate of Service by Customer

I hereby certify that I have this day served a copy of the foregoing **CLAIM AND ORDER ON REQUEST FOR INTERVENOR COMPENSATION** by (check as appropriate):

[ ] hand delivery;
[ ] first-class mail; and/or
[x] electronic mail

to the following persons appearing on the official Service List:

<joel.perlstein@cpuc.ca.gov>, jtp@cpuc.ca.gov
CPUC President Michael Peevey <mp1@cpuc.ca.gov>, Commissioner Timothy Simon <tas@cpuc.ca.gov>, cjs@cpuc.ca.gov, mf1@cpuc.ca.gov, "Ferron, Mark" <Mark.Ferron@cpuc.ca.gov>, Chief ALJ Karen Clopton <kvc@cpuc.ca.gov>, Paul Clanon <pac@cpuc.ca.gov>, frl@cpuc.ca.gov, Raminder Kahlon <rsk@cpuc.ca.gov>, mfg@cpuc.ca.gov, Marzia Zafar <zaf@cpuc.ca.gov>, jhawks_cwa@comcast.net, 3rjp@citlink.net, aahebert@paalp.com, acastro@ci.cypress.ca.us, acook@hillfarrer.com, alex@laredolaw.net, ames_doug@yahoo.com, Andrew.mcallister@energycenter.org, andy@mpwmd.dst.ca.us, anginc@goldrush.com, Ariel.Son@PacifiCorp.com, artief@ci.salinas.ca.us, Ann Trowbridge <atrowbridge@daycartermurphy.com>, aua@bp.com, bambauertowing@sbcglobal.net, Brian Cragg <bcragg@goodinmacbride.com>, bjeider@ci.burbank.ca.us, Brian K Cherry <BKC7@PGE.COM>, Scott Blaising <blaising@braunlegal.com>, bmarticorena@rutan.com, Bob.Dodds@CaliforniaPacificElectric.com, bobkelly@bobkelly.com, bobmac@qwest.net, Barbara Barkovich <brbarkovich@earthlink.net>, brian.prusnek@sce.com, Carl Wood <carl.wood@verizon.net>, ceyap@earthlink.net, Chantel.mosby@centurytel.com, Charity.Schiller@bbklaw.com, CHARLIE@WEEKSDRILLING.COM, childerbrand@goldenhillssanitation.com, chrisc@ci.salinas.ca.us, Christopher.schindler@hoganlovells.com, Christine Mailloux <cmailloux@turn.org>, colettecotton@yahoo.com, creisman@wkrklaw.com, dand@ponderosatel.com, dave@laredolaw.net, davidmorse9@gmail.com, "David J. Byers" <dbyers@landuselaw.com>, dclark@kermantelephone.com, ddferrari@paalp.com, dennis@local483.org, dhall@wickland.com, dobegi@nrdc.org, Don.soderberg@swgas.com, "Daniel W. Douglass" <douglass@energyattorney.com>, doviedc@yahoo.com, dwood8@cox.net, earlb@volcanotel.com, egwolfe@ducortelco.com, ekgrubaugh@iid.com, eosann@nrdc.org, Ed Poole <epoole@adplaw.com>, ffarina@cox.net, filings@a-klaw.com, fortlieb@sandiego.gov, Frank McNulty <francis.mcnulty@sce.com>, Gail.long@tdstelecom.com, gdialto@semprautilities.com, glen.stransky@loslaureleshoa.com, glw@eslawfirm.com, gpdevelopment@earthlink.net, gweber@glweberlaw.com, h2o@sti.net, h2ocompany@earthlink.net, Hayley Goodson <hayley@turn.org>, heidi@laredolaw.net, hmgomez@lcof.net, Katie Maloney Bellomo <hydroesq@schat.net>, info@lakealpinewater.com, jallen@elthlaw.com, Jason.dubchak@niskags.com, jay@adventurecat.com, JBFARRELL@yahoo.com, jbouler@comcast.net, jeffbates1@comcast.net, jensen.sophie@gmail.com, jfarnkopf@hfh-consultants.com, jffyng@gmail.com, jleslie@luce.com, jlewis@icwuc.org, jpross@sungevity.com, jroeder@greatoakswater.com, jsluder@paalp.com, jtlowers@sisqtel.net, JW1832@yahoo.com, James Weil <jweil@aglet.org>, jwrttee@earthlink.net, jzischkelaw@charter.net, kabercrombie@valenciawater.com, kaduran@chevron.com, kduran@ci.san-dimas.ca.us, keith.mccrea@sablaw.com, kendall.macvey@bbklaw.com, kgerber@barryswensonbuilder.com, kjsimonsen@ems-ca.com, klatt@energyattorney.com, kmelville@semprautilities.com, kmills@cfbf.com, kstaples@verizon.net, kswitzer@scwater.com, larry@epwater.com, leigh@parkwater.com, liddell@energyattorney.com, "Laura J. Tudisco" <ljt@cpuc.ca.gov>, llowrey@nheh.com, lmh@eslawfirm.com, Lnalley@tigernaturalgas.com, local350@yahoo.com,

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Executed this 9th day of June, 2011, at San Francisco, California.

/S/

Larry Wong
The Utility Reform Network
115 Sansome Street, Suite 900
San Francisco, CA 94104
Tel: (415) 929-8876

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Utility Reform Network for an Award of Intervenor Compensation for Substantial Contributions to Resolution L-411 and the Commission Proceeding Leading Thereto.	A.11-06-___ Filed June 9, 2011

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: N/A		Assigned ALJ: N/A	
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:	6/9/11	Printed Name:	Robert Finkelstein, Legal Director

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 most recently provided the relevant portion of our articles of incorporation in the NOI submitted in A.10-11-015 (the SCE 2012 GRC). The articles of incorporation have not changed since the time of that earlier submission. 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: _____N/A_____	Yes __ No X__
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	Yes X__ No __
2a. The party's description of the reasons for filing its NOI at this other time: Like an advice letter process, here there was no prehearing conference or preliminary determination that a hearing is not needed (the general triggers for an NOI filing date under Rule 17.1(a)). The Commission has recognized that an NOI is itself timely if it accompanies a timely Request for Compensation for work on an advice letter matter that results in a substantial contribution to a resolution. See, for example, D.09-09-027 (in A.09-04-006).	
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: D.98-11-049 (in A.98-02-039). The Commission raised no objection when TURN pursued a similar course in A.09-04-006, leading to D.09-09-027, where TURN's substantial contribution occurred in an advice letter process leading up to a CPUC resolution.	

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)):

- 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).

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

Nature and Extent of Planned Participation

TURN's participation in the activities covered by this NOI is already concluded. TURN was an active participant, providing comments and other material in response to the various versions of draft Resolution L-411, and representing TURN at the all-party meeting convened in this matter.

Issues Likely to Be Addressed

TURN focused on the general need to identify and capture for ratepayers the benefits under the new federal tax laws, and a variety of subsidiary issues regarding the appropriate ways to achieve that outcome.

Avoiding Undue Duplication

Throughout nearly the entire process leading up to Resolution L-411's adoption, TURN served as the sole consumer representative among the parties. Therefore duplication was not an issue here.

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				
Robert Finkelstein	37	$470	$17,390	
		Subtotal:	$17,390	
EXPERT FEES				
William Marcus	5	$250	$1,250	
		Subtotal:		
		TOTAL ESTIMATE $:	$18,640	

Comments/Elaboration (use reference # from above):

The reasonableness of the hourly rate requested for TURN's representative is addressed in our Request for Compensation. TURN has not included in this estimate claim preparation time (#1).

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

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 demonstrated that it meets the "significant financial hardship" standard in P.10-08-016 (Ruling of November 22, 2010)

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	

ADMINISTRATIVE LAW JUDGE RULING[1]

(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
[x] electronic mail

to the following persons appearing on the official Service List:

<joel.perlstein@cpuc.ca.gov>, jtp@cpuc.ca.gov
CPUC President Michael Peevey <mp1@cpuc.ca.gov>, Commissioner Timothy Simon <tas@cpuc.ca.gov>, cjs@cpuc.ca.gov, mf1@cpuc.ca.gov, "Ferron, Mark" <Mark.Ferron@cpuc.ca.gov>, Chief ALJ Karen Clopton <kvc@cpuc.ca.gov>, Paul Clanon <pac@cpuc.ca.gov>, frl@cpuc.ca.gov, Raminder Kahlon <rsk@cpuc.ca.gov>, mfg@cpuc.ca.gov, Marzia Zafar <zaf@cpuc.ca.gov>, jhawks_cwa@comcast.net, 3rjp@citlink.net, aahebert@paalp.com, acastro@ci.cypress.ca.us, acook@hillfarrer.com, alex@laredolaw.net, ames_doug@yahoo.com, Andrew.mcallister@energycenter.org, andy@mpwmd.dst.ca.us, anginc@goldrush.com, Ariel.Son@PacifiCorp.com, artief@ci.salinas.ca.us, Ann Trowbridge <atrowbridge@daycartermurphy.com>, aua@bp.com, bambauertowing@sbcglobal.net, Brian Cragg <bcragg@goodinmacbride.com>, bjeider@ci.burbank.ca.us, Brian K Cherry <BKC7@PGE.COM>, Scott Blaising <blaising@braunlegal.com>, bmarticorena@rutan.com, Bob.Dodds@CaliforniaPacificElectric.com, bobkelly@bobkelly.com, bobmac@qwest.net, Barbara Barkovich <brbarkovich@earthlink.net>, brian.prusnek@sce.com, Carl Wood <carl.wood@verizon.net>, ceyap@earthlink.net, Chantel.mosby@centurytel.com, Charity.Schiller@bbklaw.com, CHARLIE@WEEKSDRILLING.COM, childerbrand@goldenhillssanitation.com, chrisc@ci.salinas.ca.us, Christopher.schindler@hoganlovells.com, Christine Mailloux <cmailloux@turn.org>, colettecotton@yahoo.com, creisman@wkrklaw.com, dand@ponderosatel.com, dave@laredolaw.net, davidmorse9@gmail.com, "David J. Byers" <dbyers@landuselaw.com>, dclark@kermantelephone.com, ddferrari@paalp.com, dennis@local483.org, dhall@wickland.com, dobeqi@nrdc.org, Don.soderberg@swgas.com, "Daniel W. Douglass" <douglass@energyattorney.com>, doviedc@yahoo.com, dwood8@cox.net, earlb@volcanotel.com, egwolfe@ducortelco.com, ekgrubaugh@iid.com, eosann@nrdc.org, Ed Poole <epoole@adplaw.com>, ffarina@cox.net, filings@a-klaw.com, fortlieb@sandiego.gov, Frank McNulty <francis.mcnulty@sce.com>, Gail.long@tdstelecom.com, gdialto@semprautilities.com, glen.stransky@loslaureleshoa.com, glw@eslawfirm.com, gpdevelopment@earthlink.net, gweber@glweberlaw.com, h2o@sti.net, h2ocompany@earthlink.net, Hayley Goodson <hayley@turn.org>, heidi@laredolaw.net, hmgomez@lcof.net, Katie Maloney Bellomo <hydroesq@schat.net>, info@lakealpinewater.com, jallen@elthlaw.com, Jason.dubchak@niskags.com, jay@adventurecat.com, JBFARRELL@yahoo.com, jbouler@comcast.net, jeffbates1@comcast.net, jensen.sophie@gmail.com, jfarnkopf@hfh-consultants.com, jffyng@gmail.com, jleslie@luce.com, jlewis@icwuc.org, jpross@sungevity.com, jroeder@greatoakswater.com, jsluder@paalp.com, jtlowers@sisqtel.net, JW1832@yahoo.com, James Weil <jweil@aglet.org>, jwrttee@earthlink.net, jzischkelaw@charter.net, kabercrombie@valenciawater.com, kaduran@chevron.com, kduran@ci.san-dimas.ca.us, keith.mccrea@sablaw.com, kendall.macvey@bbklaw.com, kgerber@barryswensonbuilder.com, kjsimonsen@ems-ca.com, klatt@energyattorney.com, kmelville@semprautilities.com, kmills@cfbf.com, kstaples@verizon.net, kswitzer@scwater.com, larry@epwater.com, leigh@parkwater.com, liddell@energyattorney.com, "Laura J. Tudisco" <ljt@cpuc.ca.gov>, llowrey@nheh.com, lmh@eslawfirm.com, Lnalley@tigernaturalgas.com, local350@yahoo.com, Lorrie.bernstein@mossadams.com, LOUIS@LOUISDEMARTINO.COM, Lee Schavrien <LSchavrien@semprautilities.com>, luemers.martha@dorsey.com, lwalexander@crimsonpl.com, macollins@chevron.com, Marcie.milner@shell.com, Margo.ormiston@verizon.com, mary.lynch@constellation.com, mcdougaldranch@yahoo.com, mcnultfa@sce.com, mcwch2otim@aol.com, mday@gmssr.com, "Marc D. Joseph" <mdjoseph@adamsbroadwell.com>, mgoldstein@goldstein-law.com, mgorman@agclawfirm.com, michael@michaelmillsconstr.com, mljones@paalp.com, mlwhitehead@sgvwater.com, Martin Mattes <mmattes@nossaman.com>, mortonswarmsprings@comcast.net, mpareas@gmail.com, mrw@mrwassoc.com, Mark Schreiber <mschreiber@cwclaw.com>, Michael Shames <mshames@ucan.org>, Norman J CIV NAVFAC SW Furuta

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Executed this 9th day of June, 2011, at San Francisco, California.

/S/

Larry Wong
The Utility Reform Network
115 Sansome Street, Suite 900
San Francisco, CA 94104
Tel: (415) 929-8876

Name	Case #	Code	Description	Date	Hours
BF	Res. L-411	.	Review draft resolution; e-mail memo re: same to BM	1/3/2011	0.75
BF	Res. L-411	.	Review BM notes, draft commtns on draft resolution	1/5/2011	1.25
BF	Res. L-411	.	Draft and edit comments, draft e-mail note to BM	1/6/2011	0.75
BF	Res. L-411	.	Initial review revised draft res; e-mail to BMarcus,	2/10/2011	0.5
BF	Res. L-411	.	Review draft resolution L-411, discuss Draft Res L-411 w/ BM	2/11/2011	1.5
BF	Res. L-411	.	Draft cmmts on Draft Res L-411; draft e-mail to BM	2/12/2011	2.75
BF	Res. L-411	.	Review newest draft of resolution, PG&E letter re: same; e-mail to BM re: same	3/8/2011	0.75
BF	Res. L-411	.	Review file materials, util letters, draft materials for potential response; e-mails and p/cs w/ BM re: same; prep for all-party meeting	3/29/2011	2
BF	Res. L-411	.	Prep for and attend all-party mtg w/ Commrs Sandoval and Ferron	3/30/2011	3.5
BF	Res. L-411	.	Develop alternative approach, draft e-mail to BM re: same`	3/31/2011	2.25
BF	Res. L-411	.	Letter on alternative proposal, incremental measure and memo acct	4/4/2011	3.25
BF	Res. L-411	.	Review Sempra letter; e-mail BM re: same	4/6/2011	0.25
BF	Res. L-411	.	p/c w/ PG&E re: alt. proposal; f/u e-mails to BM and PG&E	4/7/2011	2.25
BF	Res. L-411	.	p/cs w/ BM, PG&E; discuss w/ MToney; draft and respond to e-mails re: spending categories, other criteria; initial review utility letters	4/8/2011	3.75
BF	Res. L-411	.	Review util letters of 4/8; research and outline reply	4/9/2011	3.75
BF	Res. L-411	.	Outline and draft reply letter to 4/8 letters; e-mails to BMarcus re: SCE calcs	4/10/2011	2.75
BF	Res. L-411	.	Draft and edit reply letter to 4/8 letters	4/11/2011	2.5
BF	Res. L-411	.	Review Draft Res. L-411A, compare to Res. as adopted; brief p/c w/ BM re: strategy	6/3/2011	0.75
BF	Res. L-411	.	Draft comments on Draft Res. L-411A	6/6/2011	1.5
BF	Res. L-411	.	Draft and edit comments on Draft Res. L-411A	6/7/2011	1.25
BF	Res. L-411	Comp	Review records, begin drafting comp request, NOI	6/4/2011	5
BF	Res. L-411	Comp	Draft and edit comp request	6/5/2011	1
JBS--B Marcus	Res. L-411	.	draft comments, revisions to resolution	1/4/2011	1.75
JBS--B Marcus	Res. L-411	.	review Finkelstein redraft	1/6/2011	0.25

JBS--B Marcus	Res. L-411	.	TC Bob re tax resolution.	2/10/2011	0.33
JBS--B Marcus	Res. L-411	.	review and comment on draft document	2/13/2011	0.58
JBS--B Marcus	Res. L-411	.	review draft, send note to Bob	2/28/2011	0.25
JBS--B Marcus	Res. L-411	.	review final version of resolution on tax advice letter, TC Bob.	3/8/2011	0.25
JBS--B Marcus	Res. L-411	.	TC Bob, review PG&E letter, draft notes in response	3/21/2011	0.5
JBS--B Marcus	Res. L-411	.	TC Bob re utility comments	3/22/2011	0.17
JBS--B Marcus	Res. L-411	.	TC Bob Finkelstein re comments	3/23/2011	0.25
JBS--B Marcus	Res. L-411	.	review BF draft materials for all-party meeting, provide comments and information	3/30/2011	0.33
JBS--B Marcus	Res. L-411	.	review BF memo on possible spending	3/31/2011	0.42