

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

Order Instituting Rulemaking on the Commission's Own Motion to Adopt New Safety and Reliability Regulations for Natural Gas Transmission and Distribution Pipelines and Related Ratemaking Mechanisms.

R.11-02-019  
(Filed February 24, 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: Michel Peter Florio		Assigned ALJ: Maribeth A. Bushey	
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:	June 22, 2011	Printed Name:	Marcel Hawiger

**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.

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>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: <u>June 2, 2011</u>	Yes <u>X</u> No ___
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 ___ No ___
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)

<b>A. Planned Participation (§ 1804(a)(2)(A)(i)):</b>
<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). TURN intends to participate actively in this proceeding. TURN has commenced discovery, intends to file expert testimony, and will participate in hearings and will briefs and pleadings as necessary.</li> <li>• The party’s statement of the issues on which it plans to participate. TURN intends to review utility proposals for any additional investments to promote pipeline safety. TURN intends to evaluate whether the utility proposals represent the most appropriate and cost effective means of ensuring future safe operations. At this</li> </ul>

point, TURN intends to review the Implementation Plans ordered by D.11-06-017 and address safety, cost forecasts and cost recovery/cost sharing issues in the plans.

**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 \$	#
<b>ATTORNEY FEES</b>				
Marcel Hawiger	170	350	59,500	
Hayley Goodson	20	280	5,600	
		<b>Subtotal:</b>	65,100	
<b>EXPERT FEES</b>				
Accufacts, Inc. – Pipeline Safety Consultant			80,000	1
JBS Energy, Inc. – Cost and Cost Recovery			10,000	
Second Pipeline Safety Consultant			10,000	
		<b>Subtotal:</b>	100,000	
<b>OTHER FEES</b>				
		<b>Subtotal:</b>		
<b>COSTS</b>				
Consultant Travel (from Redmond, WA)			2,200	
Copying/Postage			100	
Legal Research			300	
		<b>Subtotal:</b>	2,600	
		<b>TOTAL ESTIMATE \$:</b>	167,700	

Comments/Elaboration (use reference # from above):

1 - Consultant fees assume trips for two workshops periods and evidentiary hearings.

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>A. The party claims "significant financial hardship" for its claim for</b>	<b>Applies (check)</b>
---	------------------------

<b>intervenor compensation in this proceeding on the following basis:</b>	
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)).	
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)).	
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 RULING<sup>1</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>1</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:

a2mx@pge.com  
aad@cpuc.ca.gov  
aaron.joseph.lewis@gmail.com  
AGL9@pge.com  
ajahns@jahnsatlaw.com  
alf@cpuc.ca.gov  
andrewgay@arcassetltd.com  
ang@cpuc.ca.gov  
artfrias@uwua.net  
atrowbridge@daycartermurphy.com  
austin.yang@sfgov.org  
bcragg@goodinmacbride.com  
bfinkelstein@turn.org  
billjulian@sbcglobal.net  
bkc7@pge.com  
bmcc@mccarthyllaw.com  
bob.gorham@fire.ca.gov  
bstrottman@meyersnave.com  
carl.wood@verizon.net  
carneycomic@sbcglobal.net  
case.admin@sce.com  
cassandra.sweet@dowjones.com  
cem@newsdata.com  
CentralFiles@SempraUtilities.com  
christine.tam@cityofpaloalto.org  
christy.berger@swgas.com  
cjackson@sanbruno.ca.gov  
cleo.zagrean@macquarie.com  
CMM6@pge.com  
cpe@cpuc.ca.gov  
cpj2@pge.com

d1ct@pge.com  
daniel.j.brink@exxonmobil.com  
Dave.Weber@nwnatural.com  
dcarroll@downeybrand.com  
dgenasci@DayCarterMurphy.com  
dmarcus2@sbcglobal.net  
DNg@semprautilities.com  
douglas.porter@sce.com  
douglass@energyattorney.com  
dtorres@sogate.org  
ellen.isaacs@asm.ca.gov  
emm@cpuc.ca.gov  
enriqueg@greenlining.org  
Faith.Mabuhayalliance@gmail.com  
filings@a-klaw.com  
gcaldwell@sanbruno.ca.gov  
gclark@lodistorage.com  
GHealy@semprautilities.com  
glesh@energy.state.ca.us  
gloria.ing@sce.com  
grant.kolling@cityofpaloalto.org  
gxx@cpuc.ca.gov  
hym@cpuc.ca.gov  
j1pc@pge.com  
J4LR@pge.com  
janet.combs@sce.com  
janill.richards@doj.ca.gov  
jarmstrong@goodinmacbride.com  
jason.dubchak@niskags.com  
jcorralejo@lbcgla.org  
jheckler@levincap.com  
jhunter@riversideca.gov  
jim.mathews@swgas.com  
jjdavis@dcbsf.com  
jleslie@luce.com  
JLSalazar@SempraUtilities.com  
jmalkin@orrick.com  
jmh@cpuc.ca.gov  
joc@cpuc.ca.gov  
justin.brown@swgas.com  
jzr@cpuc.ca.gov  
karla.Dailey@CityofPaloAlto.org  
kck5@pge.com



kcl@cpuc.ca.gov  
kelder@aspenerg.com  
kfabry@sanbruno.ca.gov  
klatt@energyattorney.com  
kmmj@pge.com  
laura@messimer.com  
lauren.duke@db.com  
lencanty@BlackEconomicCouncil.org  
mab@cpuc.ca.gov  
malp@pge.com  
map@cpuc.ca.gov  
marcel@turn.org  
marcie.milner@shell.com  
mdjoseph@adamsbroadwell.com  
michaelboyd@sbcglobal.net  
Mike@alpinenaturalgas.com  
mmattes@nossaman.com  
mpo@cpuc.ca.gov  
mrw@mrwassoc.com  
mwt@cpuc.ca.gov  
Naftab@semprautilities.com  
npedersen@hanmor.com  
pap@cpuc.ca.gov  
pat.jackson@teaminc.com  
priscila.castillo@ladwp.com  
psp@cpuc.ca.gov  
PstLarry@comcast.net  
pucservice@dralegal.org  
pzs@cpuc.ca.gov  
ram@cpuc.ca.gov  
ray.welch@navigantconsulting.com  
regrelcpucases@pge.com  
rkennedy@energy.state.ca.us  
rkoss@adamsbroadwell.com  
rmp@cpuc.ca.gov  
Robert.F.Lemoine@sce.com  
robert.pettinato@ladwp.com  
RobertGnaizda@gmail.com  
RPrince@SempraUtilities.com  
rrussell@lodistorage.com  
rwc@cpuc.ca.gov  
SanBrunoGasSafety@cpuc.ca.gov  
sbender@energy.state.ca.us

sberlin@mccarthylaw.com  
scittad@nicor.com  
scott.senchak@decade-llc.com  
sean.beatty@genon.com  
Service@spurr.org  
sgs@dcbsf.com  
SLG0@pge.com  
sls@a-klaw.com  
smeyers@meyersnave.com  
srt@cpuc.ca.gov  
ssc.chrissy@gmail.com  
StephanieC@greenlining.org  
STomkins@semprautilities.com  
Susan.Durbin@doj.ca.gov  
tcollier@buckeye.com  
theresa.mueller@sfgov.org  
timothyrea@hotmail.com  
tomb@crossborderenergy.com  
ttutt@smud.org  
unionnancy@gmail.com  
waltowaiji@tustinca.org  
westgas@aol.com  
wmc@a-klaw.com  
wschmidt@buckeye.com  
wvm3@pge.com  
wwester@smud.org

Executed this 22<sup>nd</sup> day of June San Francisco, 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