

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)

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>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)

A. Planned Participation (§ 1804(a)(2)(A)(i)):
<ul style="list-style-type: none"> • 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. • 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

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

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

intervenor compensation in this proceeding on the following basis:	
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 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:

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
gxh@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@aspeneg.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
regrelcpuccases@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@mccarthyllaw.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 22nd 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