

**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

**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: Mark Ferron		Assigned ALJ: Anne E. Simon, Burton Mattson, Regina DeAngelis	
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:	6-7-11	Printed Name:	Matthew Freedman

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)): Are you claiming "customer" status because you (check one):	Applies (check)
1. Category 1: Represent 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: Are a representative who has been authorized by a "customer" (§ 1802(b)(1)(B))?	
3. Category 3: Represent 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 (§	X

1802(b)(1)(C)), or to represent another eligible group?	
<p>4. Please explain your customer status, economic interest (if any), and provide any documentation (such as articles of incorporation or bylaws) that supports your status. Identify any attached documents in Part IV.</p> <p>TURN is a “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 directs groups such as TURN to indicate the percentage of their members that are residential ratepayers. <u>Id.</u>, 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.</p> <p>In this proceeding TURN will represent the interests of its residential and small business constituents who take service as customers of all three investor-owned utilities. These customers have an interest in ensuring that any money spent to comply with the California Renewables Portfolio Standard program is used as efficiently as possible.</p>	

B. Timely Filing of NOI (§ 1804(a)(1)):	Check
1. Is your NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: _____	Yes ___ No <u>X</u>
2. Is your 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>X</u> No ___
2a. Describe the reason for filing your NOI at this other time: The Order Instituting Rulemaking 11-05-005 states that any Notice of Intent to Seek Compensation “should be filed within 30 days of the date this OIR is mailed.” (page 20). The OIR was mailed on May 10, 2011.	
2b. Provide the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, or ALJ ruling, or other document authorizing the filing of your NOI at this other time: Order Instituting Rulemaking 11-05-005, page 20, Ordering Paragraph 16.	

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)):
1. What is the nature and extent of your planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed)? On what issues do you plan

to participate?

Nature and Extent of Planned Participation

This proceeding entails the Commission’s efforts to continue implementation and administration of the California Renewables Portfolio Standard Program including the review of RPS procurement plans, establishing new obligations for each retail seller, assessing compliance, and enforcing results. Given the importance of this program, TURN will be active in this proceeding on behalf of residential ratepayers of the three major investor-owned utilities. TURN will be attending the upcoming prehearing conference, has already begun coordinating with various parties on the issue matrix in response to the OIR, and will submit comments, testimony, briefs and any other filings authorized by the Commission. Since no scoping memo has yet been issued, TURN cannot fully identify the types of participation that will be required.

Issues Likely to Be Addressed

The Commission has not yet determined the full scope and phasing of this rulemaking, so TURN cannot provide a complete list of issues to be addressed throughout the entire course of the proceeding. TURN anticipates focusing on, at a minimum, the following issues: (1) interpreting various statutory requirements contained in SBx2 (Simitian), (2) reviewing renewable procurement plans submitted by the major investor-owned utilities, (3) establishing compliance obligations for all retail sellers, (5) reviewing procurement activities by all retail sellers, and (5) identifying and enforcing noncompliance by retail sellers. As the rulemaking evolves and the scoping is determined with greater precision, additional issues of concern may arise.

Avoiding Undue Duplication

The Commission has stated that it will make a preliminary determination based on the NOI whether an intervenor represents interests that, if not for the availability of compensation, would be “underrepresented” in the proceeding. D.98-04-059, mimeo, at 27. TURN and the Division of Ratepayer Advocates (DRA) represent ratepayer interests. However, TURN only represents the interests of residential and small commercial customers. Furthermore, as has been demonstrated in recent similar cases, TURN will work to closely coordinate with DRA in a manner that ensures maximum coverage of issues and, by design, reduced duplication of effort. TURN will also work with other intervenor organizations to minimize duplication to the extent reasonable.

B. Please provide an itemized estimate of the compensation that you expect to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):

Item	Hours	Rate \$	Total \$	#
ATTORNEY FEES				
Matthew Freedman	200	\$345	\$69,000	1
Marcel Hawiger	100	\$345	\$34,500	
		<i>Subtotal:</i>	\$103,500	

EXPERT FEES				
William Marcus	50	\$260	\$13,000	2
Kevin Woodruff	150	\$240	\$36,000	
		<i>Subtotal:</i>	\$49,000	
OTHER FEES				
N/A				
		<i>Subtotal:</i>	\$0	
COSTS				
Estimated Miscellaneous Expenses (i.e., Telecommunications, Photocopying)			\$1,000	
Travel Expenses for consultants			\$500	
		<i>Subtotal:</i>	\$1,500	
TOTAL ESTIMATE \$:			\$154,000	
Comments/Elaboration (use reference # from above): The reasonableness of the hourly rates requested for TURN's representatives will be addressed in our Request for Compensation (#s 1 and 2). TURN has not included in this estimate claim preparation time (#1). The amount of any future request for compensation will depend upon the Commission's ultimate decision in this case, as well as the resources TURN has available to devote to the case going forward.				
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. On what basis are you claiming "significant financial hardship" for your claim for intervenor compensation in this proceeding (§ 1802(g))?	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"; 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."	X

B. Please explain, and attach necessary documentation as warranted, the factual basis for your claim of “significant financial hardship” (§ 1802(g)):

TURN is making its showing of significant financial hardship at this time pursuant to Section 1804(b)(1), which states in part that:

A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding.

TURN last received a finding of significant financial hardship in an ALJ’s Ruling issued November 22, 2010 in P.10-08-016. TURN does not anticipate any challenge to its eligibility for compensation in this proceeding. If any party does attempt to rebut the presumption of eligibility, however, TURN requests that it be granted the opportunity to reply to such party's allegations within 10 days after the service of such filing

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC ASSERTIONS MADE IN THIS NOTICE
(Claimant identifies and attaches documents; add rows as necessary)**

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):	

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.”

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)):	

ORDER

	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. The customer is entitled to a rebuttable presumption of eligibility for intervenor compensation in other Commission proceedings commencing within one year of the date of this ruling (§ 1804(b)(1)).	
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:

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Executed this 7th day of June, 2011, at San Francisco, California.

/S/

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