

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.

Rulemaking 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 Greenlining Institute ("Greenlining")			
Assigned Commissioner: Michael Peter Florio		Assigned ALJ: Maribeth 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/ Stephanie C. Chen	
Date: July 5, 2011	Printed Name: Stephanie C. Chen		

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.	

Greenlining's members and constituents are purchasers of telecommunications and energy services from utilities in California, qualifying Greenlining to file this NOI as "customers" pursuant to PU Code § 1802(b). Greenlining will represent low-income and minority residential and small business utility customers in this proceeding. In compliance with D. 98-04-059, Conclusion of Law 5 and Finding of Fact 12, Greenlining estimates that it represents a constituency that is divided 75% and 25% between residential customers and small business customers, respectively. These percentages represent Greenlining's best estimates only.

Article II, Section 17 of Greenlining's by-laws authorizes it to represent the "interests of low income communities, minorities, and residential ratepayers" before regulatory agencies and courts. Copies of the by-laws of Greenlining are attached to an NOI filed on March 5, 2010 in R. 10-02-005.

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 <u> </u>
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 <u> </u> No <u>X</u>
2a. The party's description of the reasons for filing its NOI at this other time:	
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:	

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)):
<p>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).</p> <p>As an intervenor, Greenlining intends to fully participate in all aspects of the proceeding including, but not limited to: (1) providing comment on the Proposed and any Alternate Decisions; (2) participating, including testimony and cross examination as appropriate, in any hearings that pertain to the topics described below, as well as any others relevant to Greenlining's interests; (3) engaging with Commission and party staff</p>

and representatives, as appropriate, to discuss the issues; and (4) addressing any other matter that arises within the course of the proceeding.

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

Greenlining’s primary areas of interest are listed below. It is possible that Greenlining will identify other areas relevant to the interests of its constituencies as the proceeding unfolds. However, at this time Greenlining’s participation is planned to focus on:

- Ensuring that low-income, of-color, and underserved communities are not disproportionately at risk of harm from the state’s gas transmission systems.
- Ensuring that cost allocation and ratemaking resulting from this proceeding is fair to ratepayers and designed to promote good safety practices.
- Ensuring that gas utility reprioritization practices do not diminish safety, and do not result in disproportionate risks to low-income, of-color, and underserved communities.
- Ensuring that the Commission’s enforcement authority is designed to promote safety, used when needed, and applied in a manner that does not result in any disparate impacts to low-income, of-color, and underserved communities.

Greenlining estimates that its participation on the aforementioned issues will be distributed approximately as follows. This is only an initial estimate.

- General matters – 10%
- Preventing Disproportionate Risk – 10%
- Cost Allocation and Ratemaking – 50%
- Reprioritization of Authorized Maintenance – 10%
- Commission Enforcement Authority – 20%

Greenlining will coordinate with DRA and other intervenors in a manner that ensures maximum coverage of issues and reduced duplication of effort.

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				
Samuel S. Kang	5	\$280	\$1,400	
Stephanie C. Chen	40	\$220	\$8,800	
Enrique Gallardo	60	\$350	\$21,000	
		<i>Subtotal:</i>	\$31,200	
EXPERT FEES				

			Subtotal:	
OTHER FEES				
			Subtotal:	
COSTS				
			Subtotal:	
TOTAL ESTIMATE \$:			\$31,200	
Comments/Elaboration (use reference # from above):				
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)).	
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
ALJ ruling (or CPUC decision) issued in proceeding number: R.09-08-009 Date of ALJ ruling (or CPUC decision): January 10, 2011	

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):

**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:

StephanieC@greenlining.org
SLG0@pge.com
carl.wood@verizon.net
scittad@nicor.com
justin.brown@swgas.com
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Executed this 5th day of July, 2011, at Berkeley, California.

/s/ Stephanie Chen

Stephanie Chen

The Greenlining Institute

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