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

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program. R.11-05-005

# AMENDED 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):  Clean Coalition (formerly FIT Coalition)					
Assigned Con	nmissioner: Fo	erron		Assigned ALJ: A	nne E. Simon
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).			rther certify that, as been served		
		Signature:	1		per la company de la company d
Date:	7/8/2011	Printed Name:	Tam	Hunt	

## 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	X

customers, to represent "small commercial customers" ( $\S$  1802(h)) who receive bundled electric service from an electrical corporation ( $\S$  1802(b)(1)(C)), or to represent another eligible group.

4. The Clean Coalition meets the definition of Category 3 customer because it is a non-profit organization representing California customers and "seeks to protect the broader interests in the environment held by residential ratepayers, most of the membership consists of residential or small commercial electric customers and the financial hardship requirements ... are met." (Program Guidebook).

The Guidebook states: "A Category 3 customer is a formally organized group authorized, pursuant to its articles of incorporation or bylaws, to represent the interests of residential customers or to represent small commercial electric customers."

The Guidebook adds, however:

"Certain other environmental organizations may also qualify as Category 3 customers even if the above requirements are not specifically stated in the articles or bylaws as long as the Category 3 customer seeks to protect the broader interest in the environment held by residential ratepayers, most of the membership consists of residential or small commercial electric customers and the financial hardship requirements are met."

The Clean Coalition is a California-based group focused on smart renewable energy policy and is a direct project of Natural Capitalism Solutions, Inc. ("NCS"), a 501(c)(3) based in Longmont, Colorado. The Clean Coalition's website states:

"The Clean Coalition is a non-profit organization whose mission is to make clean local energy accessible now. Our top goal is to implement policies and programs that accelerate the adoption of cost-effective clean local energy across the United States. The Clean Coalition believes that the right policies will result in a timely transition to clean energy while yielding tremendous economic benefits, including new job creation, increased tax revenue, and the establishment of an economic foundation that will drive growth for decades. The Clean Coalition is active at the national, state, and local levels."

We have attached a letter from NCS explaining the relationship between NCS and the Clean Coalition. NCS' purpose, according to its bylaws (included with this NOI), is as follows:

"The organization promotes the global development of environmental sustainability concepts and guides for educators, governments, international institutions and private and public organizations throughout the world."

The Clean Coalition is not a membership organization but our newsletter reaches about 3,000 entities each month and our website (<a href="www.clean-coalition.org">www.clean-coalition.org</a>) is designed to provide a broad array of information to the public. The Clean Coalition advocates primarily for vigorous feed-in tariffs and "wholesale distributed generation," which is generation that connects to the distribution grid close to demand centers, thereby

avoiding dependencies on transmission build-outs, transmission access charges, transmission line/congestion losses, and other costs/inefficiencies. The lion's share of our activities are in California, though we are also active on federal policy and active in some other states. By developing WDG to meet California's renewable energy and climate mitigation goals, ratepayers and taxpayers will benefit because of the WDG attributes just enumerated. The Clean Coalition is active in proceedings at the Commission, Air Resources Board, Energy Commission, California Independent System Operator, the California Legislature, Congress, the Federal Energy Regulatory Commission, and in various local governments around the United States.

The Clean Coalition is participating in this proceeding because of its keen interest in helping the Commission to realize the full potential of wholesale distributed generation (WDG) to meet state renewable energy and greenhouse gas mandates; and in helping the Commission to implement an effective feed-in tariff under SB 32 as a key policy tool for realizing this potential.

Pursuant to D.98-04-059, Finding of Fact 13, an intervenor must show that it will represent customer interests that would otherwise be under-represented. The Clean Coalition is the only intervenor representing solely the interests of WDG and feed-in tariff advocates. While other parties may share some of our policy goals, no party has the singular focus that the Clean Coalition has exhibited over an extended period of time. To the extent that other intervenors seek to represent similar customer interests, the Clean Coalition will coordinate its efforts with such parties as is feasible, to avoid duplication of effort.

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:	Yes _x_ 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 _x_
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 any Commission decision, Commissioner ruling, or ALJ ruling, or other doc 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)):

• 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 Clean Coalition will be active in this proceeding in many areas, but will focus on SB 32 implementation in 2011. We have already been active at the Commission on this issue in R.08-08-099 and will continue our advocacy in this proceeding for a robust feed-in tariff with optimal sizing, pricing and contract terms. We see SB 32's feed-in tariff as key for achieving the state's renewable energy and greenhouse gas emissions mandates and we hope to help the Commission in creating the details of this exciting new program.

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

The Clean Coalition is focused on Wholesale Distributed Generation (WDG) and feed-in tariffs at this time and we have been providing comments in the earlier incarnation of this proceeding on many details of the pending SB 32 program. We will also be engaged in many other RPS issues as these arise in R.11-05-005. Our overarching goal is to ensure that this proceeding results in optimal renewable energy projects for ratepayers, taxpayers and the environment by utilizing cost-effective WDG to the maximum extent possible.

B. The party's itemized estimate of the compensation that the party expects to

Item	Hours	Rate \$	Total \$	#
	ATTORNE	Y FEES		
Tam Hunt (2011)	120	345	41,400	
		Subtotal:	41,400	
	EXPERT	FEES		
Ted Ko (2011)	60	130	7,800	
		Subtotal:	7,800	
	OTHER :	FEES		
Sahm White (2011)	60	110	6,600	

	Subtotal:	6,600
	Costs	
[Item 1]		
[Item 2]		
[Item 3]		
	Subtotal:	
	TOTAL ESTIMATE \$:	55,800

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)

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	e party claims "significant financial hardship" for its claim for enor 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)).	
	ALJ ruling (or CPUC decision) issued in proceeding number:  Date of ALJ ruling (or CPUC decision):	

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):

The Clean Coalition is making its showing of significant financial hardship at this time, as defined by § 1802 (g) of the Public Utilities Code:

"Significant financial hardship" means either that the 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 that, in 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."

The Clean Coalition is a non-profit organization with financial backing from three foundations and the Lewis Family Trust (associated with Craig Lewis, the founder and executive director of the Clean Coalition). The Clean Coalition is a new organization and funding is necessarily tight as we try to improve our capabilities to achieve our public policy goals. The Clean Coalition is dependent on outside funding sources to perform its work. Any economic impact on the organization and our members resulting from the outcome of this proceeding would be negligible. Accordingly, we assert that participation without assistance of the intervenor compensation program would create an undue burden on our young organization and the economic interest of our community is small in comparison to the costs of effective participation in this proceeding.

## 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
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)):	

<sup>&</sup>lt;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:

	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	

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):

$\begin{bmatrix} 1 \end{bmatrix}$	hand delivery;
[]	first-class mail; and/or
Γx	electronic mail
1	

to the following persons appearing on the official Service List:

cadowney@cadowneyla w.com chris.leveriza@glacialen ergy.vi ccasselman@pilotpower group.com douglass@energyattorne y.com liddell@energyattorney.c om jnelson@psrec.coop ileslie@luce.com matthew@turn.org sheldon.kimber@recurre ntenergy.com wplaxico@axiopower.co lwisland@ucsusa.org Laurie.Mazer@bp.com patrick.vanbeek@comme rcialenergy.net rhardy@hardyenergy.co Andrew.Luscz@GlacialE nergy.com dgulino@ridgewoodpow er.com rick noger@praxair.com rresch@seia.org keith.mccrea@sablaw.co jim p white@transcanad a.com

tlocascio@libertypowerc orp.com JCasadont@BlueStarEne rgy.com jkern@bluestarenergy.co mkuchera@bluestarenerg y.com angela.gregory@DirectE nergy.com kb@EnerCalUSA.com TPhillips@TigerNatural Gas.com dsaul@pacificsolar.net Jean-Claude.Bertet@ladwp.co GouletCA@email.laccd. edu kelly.cauvel@buildlaccd.org thall@laccd.edu npedersen@hanmor.com mmazur@3PhasesRenew ables.com susan.munves@smgov.n et mmcdannel@lacsd.org igoodman@commerceen ergy.com rmcmahon@amonix.com ej wright@oxy.com d.moss@renewables100.

org stephen.burnage@gmail. com pssed@adelphia.net cathy.karlstad@sce.com kswitzer@gswater.com cponds@ci.chulavista.ca.us mary@solutionsforutiliti es.com AMSmith@SempraUtilit ies.com DAKing@SempraGener ation.com fortlieb@sandiego.gov thomaspcorr@gmail.com tdarton@pilotpowergrou p.com kswitzer@scwater.com GloriaB@anzaelectric.or phil@reesechambers.co andrea.morrison@directe nergy.com Joe.Langenberg@gmail.c om dorth@krcd.org ek@a-klaw.com tam.hunt@gmail.com sue.mara@RTOadvisors. com

mdjoseph@adamsbroad well.com dil@cpuc.ca.gov jeanne.sole@sfgov.org MGML@pge.com nes@a-klaw.com abrowning@votesolar.or bcragg@goodinmacbride .com jsqueri@goodinmacbride .com jarmstrong@goodinmacb ride.com mday@goodinmacbride. com nmurray@naturener.net sdhilton@stoel.com shong@goodinmacbride. com dhuard@manatt.com Monica.Schwebs@bingh am.com todd.edmister@bingham. com ikarp@winston.com edwardoneill@dwt.com jeffgray@dwt.com bobgex@dwt.com stevegreenwald@dwt.co m ssmyers@att.net gpetlin@3degreesinc.co kerry.hattevik@nexterae nergy.com wbooth@booth-law.com info@calseia.org jpross@sungevity.com jody london consulting @earthlink.net ikepke@ch2m.com jkeyes@keyesandfox.co kfox@keyesandfox.com sstanfield@keyesandfox.

com Patrick.VanBeek@Com mercialEnergy.net gmorris@emf.net ndesnoo@ci.berkeley.ca. us clyde.murley@comcast.n tomb@crossborderenerg y.com erasmussen@marinenerg yauthority.org roy@repenergy.com janreid@coastecon.com michaelboyd@sbcglobal. net johnrredding@earthlink. net jweil@aglet.org jsanders@caiso.com Ralf1241a@cs.com cmkehrein@ems-ca.com dcarroll@downeybrand.c om davidb@cwo.com imcfarland@treasurer.ca. gov jim.metropulos@sierracl ub.org wynne@braunlegal.com blaising@braunlegal.com sgp@eslawfirm.com abb@eslawfirm.com dkk@eslawfirm.com ijg@eslawfirm.com lmh@eslawfirm.com wwester@smud.org kristin@consciousventur esgroup.com kmills@cfbf.com rob@clfp.com atrowbridge@daycarterm urphy.com peter.eichler@libertywat er.com

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kevin.lynch@iberdrolare

ergy.com mcox@calplg.com mpf@stateside.com mbass@esolar.com mdeange@smud.org michael.wheeler@recurr entenergy.com nedrayoung@gmail.com obartho@smud.org seang@kroadpower.com sean.beatty@genon.com eddyconsulting@gmail.c siobhan.doherty@frv.co StephanieC@greenlining .org steven@iepa.com tculley@keyesandfox.co ttutt@smud.org todd.johansen@recurrent energy.com mrw@mrwassoc.com regulatory@silveradopo wer.com e-recipient@caiso.com artrivera@comcast.net CKebler@SempraGenera tion.com cynthia.brady@constellat ion.com cynthia.brady@constellat ion.com Derek@AltaPowerGroup .com pstoner@lgc.org imcgowan@3DegreesInc .com Jennifer.Barnes@Naviga ntconsulting.com James.Stack@CityofPalo Alto.org judypau@dwt.com lmitchell@hanmor.com m.stout@meridianenergy

usa.com martinhomec@gmail.co mniroula@water.ca.gov nrader@calwea.org pblood@columbiaenergy partners.com pshaw@suntechamerica. com richard.chandler@bp.co r.raushenbush@comcast. net rwalther@pacbell.net pletkarj@bv.com SEHC@pge.com ted@fitcoalition.com thomase.hobson@ge.co mprca@coolearthsolar.com dwtcpucdockets@dwt.co TReid@fce.com Karen.Kochonies@Morg anStanley.com nicole.fabri@clearenergy brokerage.com ron.cerniglia@directener gy.com catherine.krupka@suther land.com alexandra.konieczny@su therland.com tjaffe@energybusinessco nsultants.com DBodine@LibertyPower Corp.com cswoollums@midameric an.com abiecunasjp@bv.com nblack@calbioenergy.co

echiang@elementmarket s.com jpittsjr@pcgconsultants.c roxane.perruso@tacdenver.com jon.jacobs@paconsulting .com kjsimonsen@ems-ca.com slwiest@stoel.com jordan.white@pacificorp. com jenine.schenk@apses.co mark@pdsplc.com chilen@sppc.com emello@sppc.com tdillard@sppc.com jgreco@terragenpower.com bryan.schweickert@ladw p.com leilani.johnson@ladwp.c om Randy.Howard@ladwp.c Jeff.Newman@bth.ca.go albyr24@gmail.com rkeen@manatt.com fyanney@fulbright.com gbawa@cityofpasadena.n cchang@cityofpasadena. net vjw3@pge.com vpuffer@gwpenergy.com fhall@solarelectricsoluti ons.com jackmack@suesec.com AMRO@pge.com BJeider@ci.burbank.ca.u

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cpacc@calpine.com

HPandey@ci.burbank.ca. us ylehr@ci.azusa.ca.us case.admin@sce.com curt.roney@sce.com george.wiltsee@sce.com janice.Wang@sce.com Joni.Templeton@sce.co m Laura.Genao@sce.com nquan@gswater.com kswitzer@gswater.com rkmoore@gswater.com chad@cenergypower.co rjgilleskie@san.rr.com j.miles.cox@sbcglobal.n ggisel@indenergysolutio ns.com gbass@noblesolutions.co SNelson@Sempra.com TRoberts@SempraUtiliti es.com CentralFiles@SempraUti lities.com farrellytc@earthlink.net marcie.milner@shell.co m HRasool@SempraUtiliti es.com jpierce@semprautilities.c om DNiehaus@SempraUtilit ies.com CentralFiles@SempraUti lities.com sharding@iidenergy.com fwnoble@WintecEnergy. com peter.pearson@bves.com CBlack@riversideca.gov csteen@bakerlaw.com chestonem@sharpsec.co m

john@deweygroup.com leichnitz@lumospower.c om galiteva@aol.com JLehman@anaheim.net msamra@anaheim.net kerry.eden@ci.corona.ca. pfmoritzburke@gmail.co janet.gagnon@solarworl dusa.com Jeff.Hirsch@DOE2.com hal@rwitz.net Brian.Prusnek@sce.com nao@cpuc.ca.gov austin.yang@sfgov.org Dan.adler@calcef.org mramirez@sfwater.org mdacunha@ecoplexus.co mcampbell@sfwater.org tburke@sfwater.org norman.furuta@navy.mil andre.devilbiss@recurren tenergy.com dcover@esassoc.com reg@silveradopower.co m luke.dunnington@recurre ntenergy.com marcel@turn.org sam.maslin@recurrenten ergy.com snuller@ethree.com regulatory affairs@recur rentenergy.com mcarboy@signalhill.com avege@firstwind.com RegRelCPUCCases@pg e.com CRMd@pge.com

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wetstone@alamedamp.co

ELL5@pge.com

jay2@pge.com

m beth@beth411.com bill@fitcoalition.com andy.vanhorn@vhcenerg y.com kowalewskia@calpine.co barmackm@calpine.com JChamberlin@LSPower. com phanschen@mofo.com timea.Zentai@navigantc onsulting.com masont@bv.com dietrichlaw2@earthlink.n et alex.kang@itron.com ramonag@ebmud.com scott.goorland@fpl.com bepstein@fablaw.com nellie.tong@us.kema.co cpucdockets@keyesandf ox.com ramesh.ramchandani@co mmercialenergy.net ron.perry@commercialen ergy.net cwooten@lumenxconsult ing.com rschmidt@bartlewells.co andykatz@sonic.net gtrobinson@lbl.gov ed.smeloff@sunpowerco rp.com dweisz@marinenergyaut hority.org sara@solaralliance.org juliettea7@aol.com lynn@lmaconsulting.co tfaust@redwoodrenewab les.com

paulfenn@local.org

anders.glader@elpower.c om ina@speakeasy.org tim@marinemt.org johnspilman@netzero.net ed.mainland@sierraclub. org keithwhite@earthlink.net wem@igc.org eric.cherniss@gmail.com shani@scvas.org renee@gem-corp.com vsuravarapu@cera.com sberlin@mccarthylaw.co tom victorine@sjwater.c om mjensen@mercedid.org davido@mid.org joyw@mid.org lindaf@mid.org brbarkovich@earthlink.n dgrandy@caonsitegen.co rmccann@umich.edu tobinjmr@sbcglobal.net saeed.farrokhpay@ferc.g e-recipient@caiso.com dennis@ddecuir.com brian.theaker@nrgenergy .com rick@sierraecos.com david.oliver@navigantco nsulting.com kenneth.swain@navigant consulting.com epucrulings@navigantco nsulting.com pmaxwell@navigantcons ulting.com tpomales@arb.ca.gov tbrunello@calstrat.com

com cbarry@iwpnews.com danielle@ceert.org iluckhardt@downeybran d.com kdw@woodruff-expertservices.com bernardo@braunlegal.co m steveb@cwo.com Tiffany.Roberts@lao.ca. gov aecaonline@gmail.com dseperas@calpine.com bsb@eslawfirm.com cte@eslawfirm.com rroth@smud.org mdeange@smud.org vwood@smud.org lterry@water.ca.gov hurlock@water.ca.gov varanini@sbcglobal.net steven@lipmanconsultin g.com karen@klindh.com dsanchez@daycartermur phy.com DocToxics@aol.com dbranchcomb@spiind.com cpuc@libertyenergy.com c.mentzel@cleanenergy maui.com sas@a-klaw.com mpa@a-klaw.com CaliforniaDockets@pacif icorp.com Tashiana.Wangler@Pacif iCorp.com dws@r-c-s-inc.com castille@landsenergy.co lindsay zaitsoff@transalt a.com djurijew@capitalpower.c

mclaughlin@braunlegal.

om john dunn@transcanada. com meredith lamey@transca nada.com spillott@capitalpower.co m mark.thompson@powere x.com Nancy.Norris@powerex. com AEG@cpuc.ca.gov CNL@cpuc.ca.gov DBP@cpuc.ca.gov matt.miley@cpuc.ca.gov MWT@cpuc.ca.gov SMK@cpuc.ca.gov TRH@cpuc.ca.gov lgonzale@energy.state.ca .us jmcmahon@8760energy. com as2@cpuc.ca.gov aes@cpuc.ca.gov bwm@cpuc.ca.gov clu@cpuc.ca.gov ctd@cpuc.ca.gov dbp@cpuc.ca.gov

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tbo@cpuc.ca.gov dietrichlaw2@earthlink.n et vs2@cpuc.ca.gov claufenb@energy.state.c a.us cleni@energy.state.ca.us hraitt@energy.state.ca.us kzocchet@energy.state.c a.us mpryor@energy.state.ca. pdoughma@energy.state. ca.us dvidaver@energy.state.c a.us gherrera@energy.state.ca .us jwoodwar@energy.state. ca.us pbarthol@energy.state.ca .us hcronin@water.ca.gov rmiller@energy.state.ca. us

Executed this 8th day of July, 2011, at Santa Barbara, California.

Tam Hunt

124 W. Alamar Ave., #3 Santa Barbara CA 93105

#### Attachment 1: NCS sponsorship letter



June 29, 2011

Craig Lewis
Executive Director
Clean Coalition
2 Palo Alto Square
3000 El Camino Real, Suite 500
Palo Alto, CA 94306

Subject: 501(c)(3) verification for Clean Coalition

Dear Craig.

This letter confirms that Natural Capitalism Solutions, Inc. (NCS), a 501(c)(3) based in Longmont, Colorado, has been and continues to be the official sponsor of the California-based Clean Coalition (formerly the FIT Coalition). As such, the Clean Coalition is a "direct project" of NCS, receives its funding through NCS and has 501(c)(3) status as a "dba" of NCS.

Sincerely,

#### /s/ HUNTER LOVENS

Hunter Lovins President Natural Capitalism Solutions

Cc: Robbie Noiles, Natural Capitalism Solutions

NATURAL CAPITALISM SOLUTIONS IS A 501(c)3 ORGANIZATION 11823 N. 75TH ST. - LONGMONT, CO 80503 WWW.NATCAPSOLUTIONS.ORG TEL: 720-684-6580