

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

Application of Southern California Edison) Company (U338E) for Approval of its) 2012-2014 California Alternative Rates for) Energy (CARE) and Energy Savings) Assistance Programs and Budgets)	Application 11-05-017 (Filed May 16, 2011)
Application of Southern California Gas) Company (U904G) for Approval of) Low-Income Assistance Programs and) Budgets for Program Years 2012-2014)	Application 11-015-018 (Filed May 16, 2011)
Application of Pacific Gas and Electric) Company for Approval of the 2012-2014) Energy Savings Assistance and California) Alternative Rates for Energy Programs and) Budget (U39M))	Application 11-05-019 (Filed May 16, 2011)
Application of San Diego Gas & Electric) Company (U902M) for Approval of) Low-Income Assistance Programs and) Budgets for Program Years 2012-2014)	Application 11-05-020 (Filed May 16, 2011)

Assigned Commissioner: Timothy Simon
Assigned Administrative Law Judge: Kimberly H. Kim

**SAN FRANCISCO COMMUNITY POWER
NOTICE OF INTENT TO CLAIM COMPENSATION**

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August 31, 2011

NOTICE OF INTENT TO CLAIM COMPENSATION OF SAN FRANCISCO COMMUNITY POWER

Pursuant to Rule 44 of the California Public Utilities Commission (“CPUC”) Rules of Practice and Procedure (“Rules”), and Public Utilities Code Sections 1802(b) and 1804¹, San Francisco Community Power (“SF Power”) hereby provides notice of its intent to claim compensation for its participation in this proceeding. SF Power is a nonprofit helping low income households and small businesses in the San Francisco Bay Area better manage their energy and water use. SF Power currently focuses on increasing access to publicly-sponsored energy efficiency, demand response, and emergency preparedness programs. As such, SF Power meets the requirements for eligibility to claim compensation under Pub. Util. Code Sections 1801, et seq.

SF Power represents unique interests in this proceeding unrepresented by other participants. Although a number of other parties advocate on behalf of low-income households and small businesses, SF Power is targeting issues that are unlikely to be championed by other intervenors, related to energy savings assistance programs (“ESAP”) and pilots, and ESAP and California Alternative Rates for Energy (“CARE”) budgets and expenditures. To the extent that SF Power may have interests in common with other parties, it will tailor its participation to avoid any duplication wherever possible.

I. SF POWER MEETS THE REQUIREMENTS OF SECTION 1801, ET SEQ.

¹ All citations to “sections” herein are made with reference to the California Public Utilities Code, unless otherwise explicitly stated.

San Francisco Community Power meets the conditions of Category 1: The nonprofit 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)); and Category 3: The nonprofit represents a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, to receive bundled electric service from an electrical corporation (§ 1802(b)(1)(C)), or to represent another eligible group. In addition, SF Power has been granted intervenor status in numerous cases before the California Public Utilities Commission, as discussed below

A. Statement of the nature and extent of SF Power’s participation pursuant to Section 1804(a)(2)(A)(i).

SF Power will be an active participant in this proceeding, including conducting discovery and developing testimony. SF Power intends to present testimony and pilot proposals related to ESAP programs and the interaction between these programs and CARE expenditures. In particular, SF Power intends to propose two pilot programs directed at addressing “split incentives” (i.e., landlord owns energy using equipment; renter pays the resulting utility bill) and directing ratepayer subsidized energy efficiency investments in ways that provide more choice to CARE recipients, encourages innovation, and reduces the adverse environmental consequences of the subsidy. SF Power hopes that this proceeding will lead to equitable policies that provide new and beneficial

opportunities for low-income households, prompt greater economic opportunities in “green” jobs, while reducing long-run economic and environmental costs.

B. Itemized estimate of the compensation expected to be requested pursuant to Section 1804(a)(2)(A)(ii).

SF Power estimates that it will devote roughly 160 hours of expert consulting and expert witness testimony by Steven J. Moss at a proposed hourly rate of \$205. SF Power will likely devote 48 hours of attorney time through the retention Edward Poole, Esq., at a proposed hourly rate of \$350. An additional estimated \$5,000 in expenses will also likely be incurred, related to travel and the use of paralegal assistance, at a rate of \$65 an hour. Adding consulting, attorney, expert witness fees and expenses produces a total projected budget of \$54,600 for this case.

The amount of any future request for compensation is obviously dependent upon the Commission’s final decision in this case. The reasonableness of the hourly rate requested for SF Power’s representatives and experts will be addressed in its Request for Compensation, when one is ultimately filed.

II. THE COMMISSION SHOULD FIND THAT SF POWER FACES SIGNIFICANT HARDSHIP UNDER SECTION 1802(g).

SF Power faces significant financial hardship within the meaning of Public Utilities Code § 1802(g): “[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.” SF Power’s significant financial hardship is based on its nonprofit status, as well as its inability to otherwise compensate its advocates for their collective total time, due to SF Power’s limited resources and staff.

The standard for demonstrating significant financial hardship for SF Power, as a Category 3 customer, is that the economic interest of individual members is small in comparison to the costs of effective participation in this proceeding. Public Utilities Code §1803 (g). Under this standard, the Commission reviews the annual utility bills of the individual members in order to determine whether the costs associated with effective participation is great in comparison to the economic interest of any of the individual members. D. 98-02-012, 1998 Cal. PUC LEXIS 316, *6. The Commission has previously found that individual members with annual utility bills less than \$50,000 possess economic interests which are small in comparison to the costs required to participate in the proceeding. See D. 95-02-093, 1995 Cal. PUC LEXIS 144, *18; D.98-02-099, 1998 Cal. PUC LEXIS 152, *4. Thus, the Commission has found the existence of a significant financial hardship, under the standard for Class 3 customers, for those members with annual utility bills less than \$50,000. 1998 Cal. PUC LEXIS, supra, at *7.

According to the Commission’s interpretation of Section 1802(g), an “individual member” refers to each individual member of each separate cooperative. The Commission defines individual members to mean the individual

customers of Pacific Gas and Electric Company (PG&E) represented by SF Power.

SF Power's small business clients have minimal personal stakes in this case, though this population helps to subsidize the ESAP and CARE programs, and will benefit from any enhanced economic activity and environmental improvements prompted by the nonprofit's intervention. Although SF Power has not conducted a comprehensive survey of residential client bills, it can be stated with confidence that average annual household electricity bills do not exceed \$2,000, and are likely substantially less.

As noted by the Commission in Decision No. 05-07-025, SF Power's predecessor in interest, San Francisco Electric Cooperative, previously has participated in Commission proceedings and its by-laws and articles of incorporation that demonstrate SF Power's authority to represent the interests of its members in this forum are already on file with the Commission.

III. CONCLUSION

For all the foregoing reasons – and the fact that this Notice of Intent (NOI) has been timely filed, given the date of the prehearing conference was August 8, 2011 – SF Power respectfully requests that the Commission rule that it is eligible for an award of intervenor compensation under the conditions of Section 1801, et seq. and make a specific finding that SF Power has made a showing of significant financial hardship in support of such ruling.

I hereby certify that the information I have set forth in this 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).

Dated: August 31, 2011

Respectfully submitted,

By:

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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached:

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were served on each party or the party's attorney of record listed on the attached service lists in A.11-05-017, A. 11-05-018, A. 11-05-019, and A. 11-05-20 via electronic mail, via First Class U.S. Mail to the administrative law judge and docket office.

Dated on August 31, 2011, in San Francisco, California.

Jane Lesser