

**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): Disability Rights Advocates ("DisabRA")			
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:	8/25/11	Printed Name:	Rebecca S. Williford

**PART I: PROCEDURAL ISSUES**

(To be completed by the party ("customer") intending to claim intervenor compensation)

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b)): The party claims "customer" status because it (check one):</b>	<b>Applies (check)</b>
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.	
DisabRA's bylaws explicitly conform to the statute that serves as the basis for customer	

eligibility. See Pub. Util. Code § 1802(b)(1)(C). Article I of DisabRA’s bylaws states, in part, that DisabRA’s mission includes “representation of the interests of disabled residential customers, and small commercial customers who receive bundled electric service from an electrical corporation and other disabled customers of utilities.” We previously submitted our bylaws to the Commission on November 17, 2009 as an attachment to an Intervenor Compensation Request in A.08-12-021, but we can provide additional copies upon request.

<b>B. Timely Filing of NOI (§ 1804(a)(1)):</b>	<b>Check</b>
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>June 2, 2011</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
2a. The party’s description of the reasons for filing its NOI at this other time:  Please see pending motion to intervene and for leave to late-file this NOI, filed August 25, 2011	
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:  Please see pending motion to intervene and for leave to late-file this NOI, filed August 25, 2011	

**PART II: SCOPE OF ANTICIPATED PARTICIPATION**

(To be completed by the party (“customer”) intending to claim intervenor compensation)

<b>A. Planned Participation (§ 1804(a)(2)(A)(i)):</b>
<ul style="list-style-type: none"> <li>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).</li> </ul> <p>As stated in our opening comments, DisabRA began participating in this proceeding “in order to protect the interests of people with disabilities, who are particularly vulnerable in emergency situations, and who are disproportionately low income” (Opening Comments of Disability Rights Advocates, April 13, 2011 at 1-2). DisabRA filed comments and responses to motions in this docket in order to address issues relevant to our constituency.</p>

In addition, we conducted outreach to the disability community, reviewed utility memorandum accounts, reviewed public participation hearing transcripts, attended oral arguments, attended a public participation hearing, attended a workshop, as well as other activities to address the needs of our constituency. Throughout the proceeding, we also coordinated our participation, including filings, with other consumer groups.

- The party's statement of its economic interest in participating in this proceeding

DisabRA was the only consumer group participating in this proceeding with the expertise necessary to effectively represent the needs of the disabled community. Californians with disabilities have particular concerns and interests that required consideration. First, Californians with disabilities are particularly vulnerable to safety hazards such as unsafe pipeline infrastructure. This is because people with disabilities are more likely than the average utility customer to require assistance in an emergency, and evacuations are both more difficult and more risky for many of these customers. Customers with disabilities that affect their ability to use standard forms of communications (primarily visions and hearing disabilities) are also more difficult to reach with information about safety risks, emergency plans, or other public safety materials. The needs of these customers must be given particular attention when developing improved emergency planning.

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

In our opening comments DisabRA stated that we were "particularly interested in those aspects of this proceeding that address community safety, emergency preparation, public involvement and understanding of natural gas issues, and rate impacts" (Opening Comments at 2). Through written comments and filings, DisabRA has addressed: (1) proposed immediate changes to Commission regulations, including strength test requirements, reporting requirement of pipeline incidents, and required inspection of certain types of pipe; (2) other additional items under consideration, including installing automatic or remotely controlled shut-off valves, strengthening emergency response procedures, conducting a comprehensive catastrophic risk assessment, including "dig-in" issues, enhancing threat mitigation planning, adopting rules for enhanced penalties for life-threatening violations and maximizing use of existing enforcement authority for safety violations, and using ratemaking incentives to enhance safety; (3) expanding the scope of the proceeding to include direct public concerns, including communicating with people with disabilities (namely hearing and vision) in accessible formats in an emergency; (4) customer safety including people with disabilities who are more vulnerable during emergencies; (5) procedural issues that were necessary for the proceeding; (6) PG&E's validation process required in order to make assumptions regarding pipeline components for which no direct documentation can be located; (7) the need for uniformity among the utilities' pipeline memorandum accounts; (8) ensuring that only incremental costs are recorded in a pipeline memorandum account; (9) the need for the utilities to itemize expenses and prevent double allocation; and (10) other concerns relating to the needs of the disability community.



<b>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)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY FEES</b>				
Melissa W. Kasnitz	48	\$420	\$20,160	
Kevin Knestrick	9	\$300	\$2,700	
Karla Gilbride	20	\$210	\$4,200	
		<b>Subtotal:</b>	\$27,060	
<b>EXPERT FEES</b>				
		<b>Subtotal:</b>	\$0	
<b>OTHER FEES</b>				
Paralegal	22	\$110	\$2,420	
Outreach Coordinator	2	\$110	\$220	
		<b>Subtotal:</b>	\$2,640	
<b>COSTS</b>				
Estimated in-house expenses			\$500	
		<b>Subtotal:</b>	\$500	
<b>TOTAL ESTIMATE \$:</b>			\$30,200	
Comments/Elaboration (use reference # from above): The reasonableness of the hourly rates requested for DisabRA's representatives will be addressed in our Request for Compensation. DisabRA has not included claim preparation time in this estimate.				
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)

<b>A. The party claims "significant financial hardship" for its claim for intervenor compensation in this proceeding on the following basis:</b>	<b>Applies (check)</b>
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)).	X
ALJ ruling (or CPUC decision) issued in proceeding number:  R.10-02-005 (Order Instituting Rulemaking on the Commission’s Own Motion to address the issue of customers’ electric and natural gas service disconnection)  Date of ALJ ruling (or CPUC decision):  May 18, 2010	

<b>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):</b>
N/A

**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
<b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b>	
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):	
<b>2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).</b>	
<b>3. The NOI has not demonstrated significant financial hardship for the following reason(s):</b>	
<b>4. The ALJ provides the following additional guidance (see § 1804(b)(2)):</b>	

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<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.

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ADMINISTRATIVE LAW JUDGE

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