

**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
(Filed May 10, 2011)

**MOTION OF THE VOTE SOLAR INITIATIVE SEEKING
LEAVE TO LATE FILE A
NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION**

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September 12, 2011

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I. Introduction and Background

Pursuant to Rules 11.1 and 17.1 of the Commission’s Rules of Practice and Procedure, The Vote Solar Initiative (“Vote Solar”) hereby seeks leave to late file a Notice of Intent to Claim Intervenor Compensation (“NOI”) in the above-captioned proceeding.

II. Description of Vote Solar

Vote Solar is a project of the Tides Center, a California non-profit, public benefit corporation with Internal Revenue Code (“I.R.C.”) § 501(c)(3) status, working to fight global warming, increase energy independence, decrease fossil fuel dependence, and foster economic development by bringing solar energy into the mainstream. Vote Solar works principally at the state level, helping to implement the suite of policies necessary to build robust, sustainable and long-term solar markets. Founded in 2002, Vote Solar has in excess of 50,000 members nationwide, approximately 8,000 of which are Californians. The vast majority of the approximately 8,000 Californian members are individuals receiving residential electric service from a California investor owned utility (“IOU”).

III. Leave to Late File an NOI

Vote Solar is a party to this proceeding by way of successor party status from R.08-08-009.¹ In a completely separate proceeding, on August of 2010 the undersigned attorney joined Vote Solar and filed Vote Solar's first request for recognition as a "Category 3" customer pursuant to Public Utilities Code §1802(b)(1)(C).² In response to that request, Vote Solar was granted status as a "Category 3" customer and was found to have demonstrated that "it would be a significant financial hardship for The Vote Solar Initiative to participate in [the related] proceeding without an award of fees and costs."³

Since that August 2010 filing, Vote Solar has sought to carefully evaluate in which Commission proceedings it will participate. To avoid the duplication of party positions, Vote Solar's analysis includes a close look at whether Vote Solar's advocacy brings a new voice or perspective. To ensure that ratepayers' funds are put to their best, highest use, Vote Solar methodically assesses whether or not it possesses the appropriate level of subject matter expertise and knowledge. Finally, to provide the best public service possible, Vote Solar determines if it has adequate resources to fully staff a proceeding.

Using these metrics, Vote Solar originally determined that the current iteration of the Renewables Portfolio Standard Program (RPS) was amply covered by other parties and, along with the press of other urgent advocacy concerns, decided to monitor this proceeding but not seek Intervenor Compensation for fully active participation. Vote Solar did, however, file direct and reply comments regarding SB 32 issues, and joined two other parties in filing joint reply comments on content categories. Even after this activity, Vote Solar determined that, on a going-forward basis, a monitoring role was more appropriate.

Since that time, the September 2, 2011 *Administrative law Judge's Ruling Clarifying the Impact of the Rule 21 Settlement Efforts on Section 399.20 Implementation and Related Issues in This Proceeding* was issued, indicating at page 2 that "§399.20 of

¹ See Ordering Paragraph 13 of the Order Instituting Rulemaking Regarding Implementation and Administration of the Renewables Portfolio Standard Program issued May 10, 2011 in this proceeding.

² *Administrative Law Judge's Ruling Regarding Notice of Intent to Claim Compensation* (March 3, 2011, Commission proceeding R.10-05-006), p. 8.

³ *Id.*

the Pub. Util. Code and other related issues in this proceeding may be addressed during the Commission's settlement efforts related to Tariff Electric Rule 21." Because Vote Solar is an active member of the Rule 21 "Working Group," the recent ruling has prompted Vote Solar to reconsider the need to file an NOI in this proceeding, both to cover the overlap between the RPS and Rule 21 issues, but also because it appears Vote Solar's RPS-related fully active participation threshold has been met.

Should the Commission grant leave to file a late NOI, Vote Solar will make every effort to ensure that it brings unique, thoughtful and expert advocacy to the RPS. Further, Vote Solar does not believe any party will be prejudiced by the late filing of an NOI by Vote Solar and, should the Commission grant leave to late file, Vote Solar will file an NOI as expeditiously as possible.⁴

WHEREFORE, Vote Solar respectfully requests the Commission consider the above stated comments and grant Vote Solar leave to late file an NOI, with no less than three business days to effectuate the NOI filing.

Respectfully Submitted,

/s/ Kelly M. Foley

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⁴ Vote Solar does request, however, upon any grant of leave to file late, at least three business days to file the NOI.

