

**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)
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**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): Center for Accessible Technology			
Assigned Commissioner: Michael Peter Florio		Assigned ALJ: Marybeth 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/ Melissa W. Kasnitz			
Date:	9/27/11	Printed Name:	Melissa W. Kasnitz

**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.  The Center for Accessible Technology (CforAT) is an organization that is authorized	

by its bylaws to represent the interests of residential customers with disabilities before the Commission; specifically, its bylaws state at Article 2.1(d) that CforAT is “involved in advocacy initiatives to enhance the lives of the disability community, including ways to improve access to technology and increase the ability of people with disabilities to live independently. In particular, CforAT is authorized and urged to actively participate and intervene before government entities, including but not limited to the California Public Utilities Commission, on all matters that it deems appropriate that will affect directly or indirectly the interests of residential customers with disabilities, ratepayers with disabilities, small businesses owned by people with disabilities, including customers who receive bundled electric service from an electrical corporation.” CforAT is not a membership organization.

A copy of CforAT’s bylaws were submitted with its NOI in A.10-03-014, which was filed on August 29, 2011. An additional copy can be provided 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: June 2, 2011	Yes ___ No <u>X</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>X</u> No ___
<p>2a. The party’s description of the reasons for filing its NOI at this other time:</p> <p>CforAT was not a party to the proceeding at the time of the Prehearing Conference or at the time that other intervenors filed their NOIs. This NOI is filed at the same time as its Motion for Party Status.</p> <p>As noted in the Motion, CforAT is seeking to join the proceeding as the successor to Disability Rights Advocates (DisabRA) in order to represent the interests of the disability community through the conclusion of this proceeding. CforAT is also seeking to adopt DisabRA’s prior pleadings as its own.<sup>1</sup> If CforAT’s Motion is granted, DisabRA will cease to participate actively in this proceeding, so the parties will not duplicate effort.</p>	
<p>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: N/A</p>	

<sup>1</sup> DisabRA’s prior participation in this proceeding was conducted by Melissa Kasnitz, who is now counsel for Center for Accessible Technology. In seeking to adopt DisabRA’s past pleadings as its own, CforAT will provide continuity regarding the interests of the disability community in that the same advocate will continue to participate on its behalf.

**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).

CforAT intends to participate actively in this proceeding, including preparing comments, conducting discovery as needed, submitting testimony, and participating in workshops and hearings in order to represent the interests of natural gas customers with disabilities.

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

CforAT intends to focus on issues that will most affect the community of customers with disabilities, including emergency preparedness, emergency response, customer safety, customer education, and cost of changes to enhance the safety of the pipeline system and how such costs are allocated. CforAT does not intend to participate actively on technical issues regarding the operation of the natural gas pipeline system.

**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 \$	#
<b>ATTORNEY FEES</b>				
Melissa W. Kasnitz	120	\$420/hour	\$50,400	1
[Attorney 2]				
		<b>Subtotal:</b>	<b>\$50,400</b>	
<b>EXPERT FEES</b>				
Dmitri Belser	40	\$225	\$9,000	1
[Expert 2]				
		<b>Subtotal:</b>	<b>\$9,000</b>	
<b>OTHER FEES</b>				
		<b>Subtotal:</b>		
<b>COSTS</b>				
Internal office costs			<b>\$500</b>	

		<b>Subtotal:</b>	<b>\$500</b>
		<b>TOTAL ESTIMATE \$:</b>	<b>\$59,900</b>
<p>Comments/Elaboration (use reference # from above):</p> <p>General: As described above and in CforAT's Motion for Party Status, which is being filed concurrently with this NOI, CforAT is seeking to serve as DisabRA's successor and adopt pleadings previously prepared by DisabRA as its own. A similar request was granted in A.10-03-014, via a ruling by the Administrative Law Judge issued on September 12, 2011.</p> <p>DisabRA did not file a timely NOI in this proceeding. However, on August 26, 2011, it filed a motion requesting permission to late-file an NOI. No action has been taken on this motion at this time. If this motion is granted, CforAT will file a Joint Request for Compensation following the issuance of an appropriate decision in order to request compensation for time spent by both organizations. In such a circumstance, compensation for time previously spent by DisabRA in this proceeding prior to CforAT being granted party status would be in addition to the estimated time set forth for CforAT.</p> <p>1: The reasonableness of the hourly rate requested will be addressed in our Request for Compensation. The estimate of hours is subject to change depending on the procedures adopted to address the issues of concern to CforAT. If these issues, such as communication with customers, are addressed primarily through workshops, for example, the time required may be substantially different than if they are addressed through formal hearing. Because the procedural steps in the proceeding are still evolving, it is difficult to prepare precise estimates.</p>			
<p>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.</p>			

**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)).	
ALJ ruling (or CPUC decision) issued in proceeding number:	
Date of ALJ ruling (or CPUC decision):	

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**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 NOD):**

While it is not possible to directly quantify the economic benefit of ensuring that people with disabilities have access to information about pipeline safety emergency preparedness, emergency response, or customer safety, these are issues of importance and concern to CforAT’s constituency. The interests of people with disabilities in ensuring that ratepayers are not charged in a disproportionate manner for activities to increase pipeline safety are more directly financial in nature, but still difficult to weigh against the costs of direct participation in Commission proceedings. Whatever the potential economic and non-economic benefit, however, no individual person with a disability is likely to incur the costs of participating at the Commission in order to obtain these benefits.

While CforAT seeks to obtain these benefits for its constituents, it does not collect any money from the people it seeks to benefit. As a small non-profit entity with limited assets, CforAT would not be able to engage in representation of people with disabilities before the Commission without the availability of compensation through the intervenor compensation program.

**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
2	

**ADMINISTRATIVE LAW JUDGE RULING<sup>2</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>2</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:**

	<b>Check all that apply</b>
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

**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:

[Insert names and addresses from official Service List]

Executed this [day] day of [month], 200\_, at [city], California.

[Signature]

[Printed name and address]