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)

NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [X] checked), ALJ RULING ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): The Vote Solar Initiative ("Vote Solar")			
Assigned Commissioner: Mark J. Ferron		Assigned ALJ: DeAngelis/Ebke/Mattson/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).			
	Signature:	/s/ *Kelly M. Foley*	
Date:	10-04-2011	Printed Name:	Kelly M. Foley

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.	
Vote Solar is a Californ ia non-profit, public ben efit corporation with Int ernal Revenue Code	

§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 approximately 50,000 members nationwide, approximately 8,000 of which are Californians. The vast majority of the approximately 8,000 California members are individuals receiving residential electric service from one of the California investor owned utilities. The interests of these customers in this proceeding, and in energy issues in general, are unique and are not adequately represented by other parties that have intervened in the case. Vote Solar is the only non-profit, public benefit organization dedicated solely to the advancement of solar energy solutions, and Vote Solar's non-profit, public benefit status prevents Vote Solar's members from having a direct economic interest in, or gain from, Vote Solar's activities.

In D. 98-04-059, page 29, footnote 14, the Commission reaffirmed its "previously articulated interpretation that compensation be proffered only to customers whose participation arises directly from their interests as customers." The Commission explained that "[w]ith respect to environmental groups, [the Commission has] concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. (D.88-04-066, mimeo, at 3.) They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example." Consistent with this articulation, Vote Solar represents customers with a concern for the environment that distinguishes their interests from the interests represented by other consumer advocates who have intervened in this case.

D.98-04-059 also requires organizations such as Vote Solar to provide a copy of their articles of incorporations in their Notices of Intent to Claim Intervenor Compensation ("NOI"), or to provide reference to a previous filing in which the articles of incorporation were submitted. On August 13, 2010, in proceeding R.10-05-006, Vote Solar attached articles of incorporation and other relevant documents to its NOI. On March 3, 2011, in that same proceeding, Administrative Law Judge Peter V. Allen issued an *Administrative Law Judge's Ruling Regarding Notice of Intent to Claim Intervenor Compensation* ("Ruling"). Page 8 of the Ruling finds that Vote Solar is a customer "as that term is defined in Public Utilities Code § 1802(b)(1)(C) [, that it] would be a significant financial hardship for [Vote Solar] to participate in [the] proceeding without an award of fees or costs [, and that The Vote Solar] Initiative is eligible to request intervenor compensation in [the] proceeding."

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 __ No _x_
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 _x_ No __
2a. The party's description of the reasons for filing its NOI at this other time:	

Vote Solar seeks 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. 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 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.

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:

On September 12, 2011, in this proceeding, Vote Solar filed a motion seeking leave to late file a notice of intent to claim intervenor compensation. On September 27, 2011, in this proceeding, Administrative Law Judge Regina DeAngelis issued an *Administrative Law Judge's Ruling (1) Confirming Party Status (2) Granting Motions to File Confidential Materials Under Seal and (3) Granting Motion to Late-File a Notice of Intent*. Pages 2 and 3 of the September 27, 2011 ruling grant Vote Solar's motion seeking leave to late file a notice of intent to claim intervenor compensation, and this Notice of Intent is filed pursuant to that authority.

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

To date, Vote Solar has participated fully in the Rule 21 Settlement Process, filed direct

and reply comments regarding SB 32 issues, and joined two other parties in filing joint reply comments. Vote Solar will continue to fully participate in the Rule 21 Settlement Process, will continue to fully participate in all aspects of SB 32 and AB 1969 and other Feed-in tariff related issues as they arise. To the extent possible, in pursuit of this participation, Vote Solar will attend workshops, conduct discovery, submit comments and briefs, participate in hearings and settlement, and make every effort to avoid duplicative advocacy through coordination with other parties. At this time, Vote Solar seeks implementation of distributed generation related programs in a manner that promotes sustainable, long term solar market development.

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 $	#
ATTORNEY FEES				
Kelly M. Foley	40	$325	$13,000	1
		Subtotal:	$13,000	
EXPERT FEES				
Adam Browning	40	$200	$ 8,000	
		Subtotal:	$ 8,000	
COSTS				
Copying and Postage			$ 250	
Mileage Reimbursement			$ 500	
		Subtotal:	$ 750	
		TOTAL ESTIMATE $:	$21,750	

Comments/Elaboration (use reference # from above):

The reasonableness of the hourly rates requested for Vote Solar's representatives will be addressed in Vote Solar's Request for Compensation.

1. The estimated total for Kelly M. Foley reflects a 50% rate reduction for time spent preparing this NOI.

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)

A. The party claims "significant financial hardship" for its claim for intervenor 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)).	X
ALJ ruling (or CPUC decision) issued in proceeding number: In proceeding R.10-05-006, Administrative Law Judge Peter V. Allen issued an *Administrative Law Judg e's Ruling Regarding No tice of Intent to Claim I ntervenor Compensation* ("Ruling"). Page 8 of t he Ruling finds that it "w ould be a significant financial hardship for [Vote Solar] to participate in [the] proceeding without an award of fees or costs. Date of ALJ ruling (or CPUC decision): March 3, 2011 The March 3, 2011 decision in R.10-05-006 was subsequently affirmed by the following more recent decisions: A.10-11-015, ALJ Darling ruling issued June 3, 2011 at p.13. R.10-12-007, ALJ Yip-Kikugawa ruling issued July 5, 2011 at p. 12.	

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 economic interests of individual Vote Solar members are small when compared to the costs of effective participation. As stated above, Vote Solar represents the interests of California Vote Solar members who are IOU customers. These customers share an interest in Vote Solar's mission to fight global warming, increase energy independence, decrease fossil fuel dependence, and foster economic development by bringing solar energy into the mainstream. The purposes and intents of this proceeding directly affect this interest. The ultimate impact of this interest, however, is extremely broad in nature and inures directly to the public good and cannot realistically be quantified on an individual level. Thus, because of the economics of public versus individual benefits, the individual benefit theoretically approaches zero. A near zero benefit is extremely small relative the estimated $21,750 financial burden these customers

would incur without Vote Solar's representation.

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[1]

(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)):	

[1] 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.

_____

ADMINISTRATIVE LAW JUDGE