

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Annual Local Procurement Obligations. | Rulemaking 11-10-023 (Filed October 20, 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**

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| Customer (party intending to claim intervenor compensation): The Vote Solar Initiative (“Vote Solar”) | | | |
| Assigned Commissioner: Mark J. Ferron | | Assigned ALJ: David M. Gamson | |
| 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: | 11/28/2011 | 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 California non-profit, public benefit corporation with Internal 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 over 50,000 members nationwide, approximately 9,000 of which are Californians. The vast majority of the approximately 9,000 Californian 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 one of the only (if not only) non-profit, public benefit organizations 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 <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 ___ |

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| <p>Pursuant to the October 27, 2011 Order Instituting Rulemaking (OIR) issued in this proceeding, at page 11, the OIR indicates that NOIs should be filed “no later than 30 days after the date of this order.” Thirty days after the date of the order fell on November 26, 2011, a Saturday, forwarding the due date to November 28, 2011. Furthermore, as of November 28, 2011, no pre-hearing conference has been scheduled or held.</p> | |
| <p>2a. The party’s description of the reasons for filing its NOI at this other time:</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:</p> | |

PART II: SCOPE OF ANTICIPATED PARTICIPATION
 (To be completed by the party (“customer”) intending to claim intervenor compensation)

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| <p>A. Planned Participation (§ 1804(a)(2)(A)(i)):</p> |
| <p><input type="checkbox"/> 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).</p> <p><input type="checkbox"/> The party’s statement of the issues on which it plans to participate.</p> <p>Vote Solar actively supports and advocates for robust solar energy policies, including both utility and distributed scale energy, and the integration of that energy into the grid. As set forth in the <i>Candidate Issues and Topics Identified by the Energy Division</i> at Appendix A of the OIR, Vote Solar is particularly interested in Issues and Topics numbered 8 through 10:</p> <p>8. <i>The Commission has initiated several recent policy activities that concentrate on Distributed Generation. These programs include, but are not limited to, the Renewable Auction Mechanism, the renewable Feed-in Tariff authorized under PU Code 399.20, and the AB 1613 CHP Feed-in Tariff. In light of the increased focus on distributed generation, the Commission recently launched R.11-09-011, to streamline the rules about distribution level interconnection. In light of the activity that docket, this Rulemaking will consider potential modifications to the qualifying capacity rules and deliverability guidelines.</i></p> <p>9. <i>In light of the passage of SB 2 1X which establishes a 33% Renewable Portfolio Standard, up to 20,000 MW of new renewable generation could be needed to be added to the system by 2020. The rules and implementation of 33% RPS will remain in R.11-05-005. Because a very large percentage of new generation procurement will need to be renewable, this docket will consider any updates to the RA rules or practices in order to account for differences in renewable procurement.</i></p> <p>10. <i>With the passage of AB 2514, the Commission opened R.10-12-007 to consider policies to promote the adoption of viable and cost-effective energy storage systems. In coordination with the policy developments in R.10-12-007, we will consider any technical</i></p> |

updates to our RA rules such that flexible grid operational attributes (such as those provided by energy storage technologies) may receive accurate and correct placement within our RA program.

Vote Solar believes that qualifying capacity and deliverability issues already pose a threat to both utility and distributed scale renewable energy procurement and this threat is likely to grow even larger as renewable energy procurement increases. To ensure that this threat is addressed, Vote Solar will participate in all aspects of this proceeding that may arise, including attendance at workshops, submission of comments, submission of testimony, participation in hearings, and submission of briefing.

| 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 | 125 | \$325 | \$40,625 | 1 |
| | | | | |
| | | Subtotal: | \$40,625 | |
| EXPERT FEES | | | | |
| TBD | | | \$15,000 | |
| | | | | |
| | | Subtotal: | \$15,000 | |
| COSTS | | | | |
| Copying and Postage | | | \$ 250 | |
| Mileage Reimbursement | | | \$ 750 | |
| | | Subtotal: | \$ 1,000 | |
| TOTAL ESTIMATE \$: | | | \$56,625 | |
| <p>Comments/Elaboration (use reference # from above):</p> <p>The reasonableness of the hourly rates requested for Vote Solar’s representatives will be addressed in Vote Solar’s Request for Compensation.</p> <p>1. The estimated total for Kelly M. Foley reflects a 50% rate reduction for time spent preparing this NOI.</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)

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| A. The party claims “significant financial hardship” for its claim for | Applies (check) |
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| intervenor compensation in this proceeding on the following basis: | |
| 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 |
| <p>ALJ ruling (or CPUC decision) issued in proceeding number:</p> <p>In proceeding R.10-05-006, Administrative Law Judge Peter V. Allen issued an <i>Administrative Law Judge’s Ruling Regarding Notice of Intent to Claim Intervenor Compensation</i> (“Ruling”). Page 8 of the Ruling finds that it “would be a significant financial hardship for [Vote Solar] to participate in [the] proceeding without an award of fees or costs.”</p> <p>Date of ALJ ruling (or CPUC decision):</p> <p>March 3, 2011</p> <p>The March 3, 2011 decision in R.10-05-006 was subsequently affirmed by the following more recent decisions:</p> <p>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.</p> | |

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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 NOI): |
| Rebuttable presumption per Part III.A.3, <i>above</i> . |

**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 RULING¹
(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