

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Integrate
and Refine Procurement Policies and
Consider Long-Term Procurement Plans
To Assembly Bill 2514 to Consider the
Adoption of Procurement Targets for
Viable and Cost-Effective Energy Storage
Systems.

Rulemaking 12-03-014

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
OF THE UNION OF CONCERNED SCIENTISTS**

Laura Wisland
UNION OF CONCERNED SCIENTISTS
2397 Shattuck Avenue, Suite 203
Berkeley, CA 94704
(510) 843-1872
lwisland@ucsusa.org

Dated May 17, 2012

I. INTRODUCTION

In accordance with Section 1804(a) of the Public Utilities Code¹, the Union of Concerned Scientists (“UCS”) hereby gives notice of its intent (“NOI”) to claim compensation in this proceeding. Section 1804(a) requires customers who intend to claim compensation to file a notice of intent to claim compensation within 30 days of the Prehearing Conference (“PHC”). The PHC for this proceeding was held on April 18, 2012; therefore, this notice is timely filed. UCS requests a finding that it is eligible for compensation pursuant to Section 1804.

II. DISCUSSION

A. UCS is a “customer” as defined in Section 1802(b).

Section 1802(b) describes customers eligible to claim compensation for participation as:

[A]ny participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission; any representative who has been authorized by a customer; or any representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers...”

UCS falls within the third category. UCS is a non-profit, membership organization devoted to building a healthier environment and a safer world through the use of rigorous scientific analysis, innovative thinking and committed citizen advocacy. A copy of UCS’s bylaws was submitted with its NOI filed in R.04-04-003 on April 12,

¹ All code references are to the Public Utilities Code unless otherwise specified.

2005. As described in its bylaws, UCS conducts scientific and technical analysis and research in the public interest, disseminates the results of this research and analysis to the general public, and presents its views and assists members in presenting their views before administrative agencies and courts.² UCS seeks to accomplish its goals through five Programs: Clean Energy, Clean Vehicles, Global Environment, Global Security and Food and Environment. The Clean Energy Program includes extensive research and advocacy on renewable energy standards, the impact of energy production on human health and the environment, and nuclear safety. UCS has actively participated in numerous proceedings before this Commission with a focus on renewable energy matters, electricity procurement, and greenhouse gas policies, with particular emphasis on the implementation of the state's Renewables Portfolio Standard (RPS) and integration of renewable energy into utility long-term resource plans and procurement. UCS has been ruled eligible for intervenor compensation in numerous proceedings before this Commission, including the recently closed RPS (R.06-02-012 and R.08-08-009) proceedings. UCS was most recently granted intervenor compensation in R.06-02-012 in Decision D.11-07-022 on July 14, 2011.

UCS has 77,000 individual members nationwide, with over 14,000 members in California. These members are residential electricity customers. The Commission has held:

With respect to environmental groups, we have 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

² The Union of Concerned Scientists, Bylaws, Article II. The Bylaws were previously filed with the Docket Office and the assigned Administrative Law Judge in R.04-04-003. Parties may request a copy from the undersigned.

unnecessary new generating resources that are expensive and environmentally damaging. They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” (D.88-04-066, at 3.)

UCS respectfully requests a finding that it is a “customer” pursuant to Section 1802(b).

B. Statement of the Nature and Extent of UCS’s Planned Participation in the Proceeding

Section 1802(a)(2)(A)(i) provides that a notice of intent to claim compensation must include: “[a] statement of the nature and extent of the customer’s planned participation in the proceeding as far as it is possible to set it out when the notice of intent is filed.” The amount of any future request for compensation is dependent on the Commission’s final decision in this case. UCS intends to focus its participation on developing policies and requirements, where appropriate, to promote long-term investments in energy storage technologies, in order to reduce the state’s reliance on fossil fuels which contribute to air quality problems and global warming emissions. Given UCS’s involvement in the recent RPS proceedings (R.06-02-012 and R.08-08-009), UCS anticipates that it will participate in workshops, conduct cross-examination (if evidentiary hearings are held), and submit briefs and comments, most likely concerning the evaluation of the 33 percent Renewables Portfolio Standard and higher penetrations of renewable energy on the electricity grid, but has not yet made a decision to do so. To the extent possible, UCS will coordinate its participation with other parties to avoid duplication.

C. Itemized Estimate of the Compensation that UCS Expects to Request

Section 1804(a)(2)(A)(ii) provides that a notice of intent to claim compensation must include: “[a]n itemized estimate of the compensation that the customer expects to request, given the likely duration of the proceeding as it appears at the time.” It is difficult to estimate the potential magnitude of UCS’s compensation request with certainty at this early stage in the proceeding. However, without prejudice to our ability to request a higher amount if the nature and duration of the proceeding so warrants, UCS currently estimates a budget of \$41,512.50 comprised of the following components:

1. Staffing, hours and proposed billing rates:

UCS Staff:

- Laura Wisland, Senior Energy Analyst³; 300 hours at \$135/hr = \$40,500

2. Expert witness(es): none budgeted at this time, but UCS may incur this expense depending on the specific issues addressed in the proceeding and/or whether evidentiary hearings are held.

3. Travel and Compensation Request preparation time:

UCS Staff:

- Laura Wisland, Senior Energy Analyst; 15 hours at \$67.50/hr = \$1,012.50.

The amount of any future claim to compensation is dependent upon the actual scope of the case and the final decision(s) in this proceeding. UCS will address the reasonableness of the hourly rates requested for UCS representatives in its request for compensation, if request for compensation is filed.

D. Participation in the Proceeding Would Pose a Significant Financial Hardship to UCS.

³ Billing rate for Laura Wisland used in this NOI are based on those proposed in two claims for compensation in 2010 by UCS in R.06-02-012. This rate does not reflect a cost of living adjustment for 2011 nor Wisland’s promotion to Senior Energy Analyst.

Section 1804(a)(2)(B) provides that “[t]he notice of intent may also include a showing by the customer that participation in the hearing or proceeding would pose a significant financial hardship.” “Significant financial hardship” means, in 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. The Commission has held that organizations with individual members who have annual utility bills of less than \$50,000 possess economic interests that are small in comparison to the costs required to participate in the proceeding. (D.95-02-093, at 4). According to the Commission, an “individual member” means individual members, not the collective membership.

UCS meets this test for significant financial hardship. Although there is no survey of the electricity bills of its membership, it can be stated with confidence that the average annual residential utility bill does not exceed \$50,000. Because UCS represents individual ratepayers, the economic interests of its membership are small compared to cost of participation in this proceeding.

III. CONCLUSION

UCS respectfully requests that the Commission rule that it is eligible for compensation in this proceeding. Specifically, UCS requests that the Commission issue a preliminary ruling in which it finds that: (1) UCS is a customer as defined in Section 1802(b); (2) UCS has made an adequate showing of financial hardship as defined in Section 1802(g); and (3) UCS has met the requirements of Section 1804(a) for eligibility for compensation.

Respectfully submitted,



Laura Wisland
UNION OF CONCERNED SCIENTISTS
2397 Shattuck Avenue, Suite 203
Berkeley, CA 94704
(510) 843-1872
lwisland@ucsusa.org

Dated: May 17, 2012