

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Integrate
and Refine Procurement Policies and
Consider Long-Term Procurement Plans

Rulemaking 12-03-014

**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): The Utility Reform Network (TURN)			
Assigned Commissioner: Michel Peter Florio		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/			
Date:	5-17-12	Printed Name:	Matthew Freedman

**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)): Are you claiming “customer” status because you (check one):	Applies (check)
1. Category 1: Represent 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: Are a representative who has been authorized by a “customer” (§ 1802(b)(1)(B))?	
3. Category 3: Represent 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. Please explain your customer status, economic interest (if any), and provide any documentation (such as articles of incorporation or bylaws) that supports your status. Identify any attached documents in Part IV.

TURN is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” TURN provided the relevant portion of our articles of incorporation in the NOI submitted in A.98-02-017, and again in A.99-12-024. The articles of incorporation have not changed since the time of those earlier submissions. D.98-04-059 directs groups such as TURN to indicate the percentage of their members that are residential ratepayers. Id., FOF 12. TURN has approximately 20,000 dues paying members, of whom we believe the vast majority are residential ratepayers. TURN does not poll our members in a manner that would allow a precise breakdown between residential and small business members, so a precise percentage is not available.

In this proceeding TURN will represent the interests of its residential constituents who take service as customers of PG&E, SCE and SDG&E. These customers have an interest in ensuring that the major utilities procure cost-effective electricity and ensure reliable long-term supplies.

B. Timely Filing of NOI (§ 1804(a)(1)):	Check
1. Is your NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>April 18, 2012.</u>	Yes <u>X</u> No ___
2. Is your 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 ___ No <u>X</u>
2a. Describe the reason for filing your NOI at this other time:	
2b. Provide the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, or ALJ ruling, or other document authorizing the filing of your NOI at this other time:	

**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)):
1. What is the nature and extent of your planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed)? On what issues do you plan to participate?
<p><u>Nature and Extent of Planned Participation</u></p> <p>This proceeding entails the Commission’s review of unresolved issues from Track 1 of R.10-05-006 related to the overall need for new system and local reliability resources including the adoption of system resource plans and assessment of long-term local area reliability needs. The proceeding will also consider other unresolved issues identified in R.10-05-006 and any new, relevant issues that arise during the pendency of the rulemaking. TURN intends to participate in this proceeding to ensure that the utilities are directed to engage in cost-effective procurement that does not exceed the needs properly attributable to bundled customers. TURN will conduct discovery, participate in workshops, file motions, prepare testimony, conduct cross examination during evidentiary hearings, and submit briefs on the major issues.</p>
<p><u>Issues Likely to Be Addressed</u></p> <p>TURN will review the forecasts of needed system and local capacity along with the evolving modeling of renewable integration costs in an effort to ensure that these costs, and the estimates of new capacity needed to integrate renewable generation, are not overstated. To the extent that additional procurement is needed for purposes of system or local reliability, TURN will argue for mechanisms that fairly spread costs to bundled, direct access and community choice customers. TURN will also review any new long-term procurement plans to ensure that they strike the right balance between providing</p>

sufficient Commission oversight and allowing flexibility to adapt to changing market circumstances. As this rulemaking evolves to include new issues, TURN will remain available to focus on whatever topics are added to the proceeding.

Avoiding Undue Duplication

The Commission has stated that it will make a preliminary determination based on the NOI whether an intervenor represents interests that, if not for the availability of compensation, would be “underrepresented” in the proceeding. D.98-04-059, mimeo, at 27. TURN will work closely with DRA and other consumer parties to minimize duplication. Since not all the consumer parties agree on the issues presented in this rulemaking, coordination should be limited to issues where there is clear and complete agreement. TURN will consult with the other consumer representatives in an effort to optimize the deployment of consultants and minimize overlap. TURN will also avoid devoting significant amounts of time to issues that are being adequately addressed by other intervenors.

B. Please provide an itemized estimate of the compensation that you expect to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):

Item	Hours	Rate \$	Total \$	#
DATTORNEY FEES				
Matthew Freedman	200	\$350	\$70,000	1
Marcel Hawiger	75	\$350	\$26,250	
		<i>Subtotal:</i>	\$96,250	
EXPERT FEES				
William Marcus	50	\$260	\$13,000	2
Kevin Woodruff	300	\$240	\$72,000	
		<i>Subtotal:</i>	\$85,000	
COSTS				
Estimated Miscellaneous Expenses (i.e., Telecommunications, Photocopying)			\$1,000	
Travel Expenses for consultants			\$1,500	
		<i>Subtotal:</i>	\$2,500	
		TOTAL ESTIMATE \$:	\$183,750	

Comments/Elaboration (use reference # from above):

Comment 1, 2 -- The 2012 hourly rates for Matthew Freedman and William Marcus reflect a modest increases over previously adopted rates. The reasonableness of the hourly rates requested for TURN’s representatives will be addressed in our Request for Compensation (#s 1 and 2). TURN has not included in this estimate claim preparation time (#1). The amount of any future request for compensation will depend upon the

Commission's ultimate decision in this case, as well as the resources TURN has available to devote to the case going forward.

**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. On what basis are you claiming “significant financial hardship” for your claim for intervenor compensation in this proceeding (§ 1802(g))?	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”; 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.”	X

B. Please explain, and attach necessary documentation as warranted, the factual basis for your claim of “significant financial hardship” (§ 1802(g)):

TURN is making its showing of significant financial hardship at this time pursuant to Section 1804(b)(1), which states in part that:

A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding.

TURN received a finding of significant financial hardship in an ALJ’s Ruling issued on January 3, 2012 in R.11-11-008. This proceeding commenced within one year of the date of that finding, so the rebuttable presumption applies in this case.

TURN does not anticipate any challenge to its eligibility for compensation in this proceeding. If any party does attempt to rebut the presumption of eligibility, however, TURN requests that it be granted the opportunity to reply to such party's allegations within 10 days after the service of such filing

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE
(Claimant identifies and attaches documents; add rows as necessary)**

Attachment No.	Description
1	Certificate of Service – filed as a separate document

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.”

ORDER

	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. The customer is entitled to a rebuttable presumption of eligibility for intervenor compensation in other Commission proceedings commencing within one year of the date of this ruling (§ 1804(b)(1)).	
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

**Attachment 1:
Certificate of Service by Customer**

(Filed as a separate document)