

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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 ¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON THE UTILITY REFORM NETWORK'S SHOWING OF
SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): The Utility Reform Network			
Assigned Commissioner: Ferron		Assigned ALJ: 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:	05/11/12	Printed Name:	Hayley Goodson

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 the party (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. Please explain your customer status, economic interest (if any), and provide any	

¹ DO NOT CHECK THIS BOX if no finding of significant financial hardship is needed (in cases where there is a valid rebuttable presumption of eligibility (Part III(A)(3)) or significant financial hardship showing has been deferred to the intervenor compensation claim).

documentation (such as articles of incorporation or bylaws) that supports your status. Identify any attached documents in Part IV.

In D.98-04-059, the Commission directed intervenors to state in their NOIs which of three customer “categories” they fall within. TURN is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” The decision also requires groups such as TURN to include in their NOIs a copy of the authorization in their articles of incorporation to represent residential customers, or to provide a reference to a previous filing. D.98-04-059, p. 30. 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. Finally, 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.

TURN does not have any direct economic interest in the outcomes the Commission may adopt in this proceeding.

B. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <input type="text" value="none held"/>	Yes ___ No ___
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 ___ No ___
<p>2a. The party’s description of the reasons for filing its NOI at this other time:</p> <p>The Commission directed in Order Instituting Rulemaking (O.I.R.) 11-10-023 that parties should file NOIs not later than 30 days after the date of issuance of that order. (O.I.R. 11-10-023, p. 11). The Commission issued O.I.R. 11-10-023 on October 27, 2011. The thirtieth day thereafter fell on a Saturday, making the deadline for filing an NOI November 28, 2011. TURN is filing a motion for permission to late-file this NOI concurrent with the filing of this NOI today. As TURN explains in that motion, TURN inadvertently failed to timely file an NOI and seeks leave to file an NOI now, after the due date. TURN respectfully requests that the Commission accept this late-filed NOI for the reasons provided in our companion motion.</p>	
<p>2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, ALJ ruling, or other document authorizing the filing of NOI at that other time:</p> <p>Please see TURN’s concurrently filed Motion Seeking Permission to Late-File this NOI.</p>	

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?

Nature and Extent of Planned Participation

TURN has already participated actively in Phase 1 of this proceeding and intends to continue doing so. TURN has filed four sets of comments, participated in multiple days of workshops at the Commission, and participated in the CAISO stakeholder processes related to this proceeding. TURN expects to file another set of comments before the issuance of the Phase 1 proposed decision, followed by comments and reply comments on the proposed decision, as necessary. TURN also expects to be active in Phase 2, filing comments and attending workshops as opportunities arise.

Issues Likely to Be Addressed

To date, TURN has devoted some amount of time to every Phase 1 issue included in the *Phase 1 Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge*, issued in this proceeding on December 27, 2011. However, the majority of TURN's time has been devoted to addressing the following two issues (enumeration in the *Phase 1 Scoping Memo*):

Issue 1: Review the yearly Local Capacity Requirements recommended by the California Independent System Operator. (*Phase 1 Scoping Memo*, p. 2)

Issue 2(f): Refinements to the Resource Adequacy program -- CAISO Flexible Capacity Procurement Requirement. (*Phase 1 Scoping Memo*, p. 4)

TURN anticipates also addressing all four of the Phase 2 issues preliminarily identified in the *Phase 1 Scoping Memo*. Those issues include:

Issue 1: Review the yearly Local Capacity Requirements recommended by the CAISO for 2014;

Issue 2: Determination of RA rules for generation interconnected at the distribution level;

Issue 3: RA rules for resources which provide flexible grid attributes, such as energy storage devices; and

Issue 4: Preparation and review of new studies of the effective load carrying capacity of wind and solar resources on California. (*Phase 1 Scoping Memo*, p. 7).

TURN expects to be most active on Phase 2 Issues 1 and 4.

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. The Commission's Division of Ratepayer Advocates (DRA) is also a party to this proceeding. However, while both TURN and DRA represent ratepayer interests, TURN alone exclusively represents the interests of residential and small commercial customers of the IOUs. Moreover, TURN has and will continue to coordinate with DRA to avoid undue duplication. DRA tends to address a broader range of issues than TURN, whereas TURN focuses mostly on issues related to the market conventional generation.

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, EXPERT, AND ADVOCATE FEES				
Marybelle Ang, TURN Attorney	25	\$280	\$7,000	1
Hayley Goodson, TURN Attorney	41	\$310	\$12,710	2
Kevin Woodruff, Woodruff Expert Services	222	\$240	\$55,500	3
		Subtotal:	\$75,210	
OTHER FEES				
[Person 1]				
[Person 2]				
		Subtotal:		
COSTS				
Copies, postage, telephone			\$100	3
		Subtotal:	\$100	
TOTAL ESTIMATE \$:			\$75,310	

Estimated Budget by Issues:

TURN's estimate reflects an allocation of Mr. Woodruff's time as follows:

General Participation Costs	Estimate of Hours	Budget
	20	\$5,000
Phase 1 Issues	Estimate of Hours	Budget
1. Review the yearly Local Capacity Requirements recommended by the California Independent System Operator	30	\$7,500
2. Refinements to the Resource Adequacy program -- a. Standard Capacity Product (SCP) implementation for demand response resources	1	\$250
2. Refinements to the Resource Adequacy program -- b. Maximum cumulative capacity (MCC) buckets for demand response resources	1	\$250
2. Refinements to the Resource Adequacy program -- c. Adjustments to the RA coincidence adjustments	1	\$250
2. Refinements to the Resource Adequacy program -- d. Development of qualifying capacity (QC) rules for dynamically scheduled and pseudo-tie resources	1	\$250
2. Refinements to the Resource Adequacy program -- e. Allocation of Resource Adequacy credit for third-party demand response providers who participate in Reliability demand response programs	1	\$250
2. Refinements to the Resource Adequacy program -- f. CAISO flexible capacity procurement requirement	55	\$13,750

2. Refinements to the Resource Adequacy program -- g. Update Resource Adequacy rules to account for differences in procurement due to the 33% Renewable Portfolio Standard requirement, the electrical system's operational needs, and related issues	1	\$250
2. Refinements to the Resource Adequacy program -- h. Staff implementation proposals	1	\$250
Phase 2 Issues	Estimate of Hours	Budget
1. Review the yearly Local Capacity Requirements recommended by the CAISO for 2014	24	\$6,000
2. Determination of RA rules for generation interconnected at the distribution level	3	\$750
3. RA rules for resources which provide flexible grid attributes, such as energy storage devices	3	\$750
4. Preparation and review of new studies of the effective load carrying capacity of wind and solar resources on California	80	\$20,000
TOTAL	222	\$55,500

TURN's estimate reflects an allocation of Ms. Ang's time as follows:

General Participation Costs	Estimate of Hours	Budget
	2.5	\$700
Phase 1 Issues	Estimate of Hours	Budget
1. Review the yearly Local Capacity Requirements recommended by the California Independent System Operator	3.75	\$1,050
2. Refinements to the Resource Adequacy program -- f. CAISO flexible capacity procurement requirement	18.75	\$5,250
TOTAL	25	\$7,000

TURN's estimate reflects an allocation of Ms. Goodson's time as follows:

General Participation Costs	Estimate of Hours	Budget
	3	\$930
Phase 1 Issues	Estimate of Hours	Budget
1. Review the yearly Local Capacity Requirements recommended by the California Independent System Operator	7	\$2,170
2. Refinements to the Resource Adequacy program -- f. CAISO flexible capacity procurement requirement	5	\$1,550
Phase 2 Issues	Estimate of Hours	
1. Review the yearly Local Capacity Requirements recommended by the CAISO for 2014	4	\$1,240

2. Determination of RA rules for generation interconnected at the distribution level	1	\$310
3. RA rules for resources which provide flexible grid attributes, such as energy storage devices	1	\$310
4. Preparation and review of new studies of the effective load carrying capacity of wind and solar resources on California	20	\$6,200
TOTAL	41	\$12,710

Comments/Elaboration (use reference # from above):

(#1, #2, #3) TURN's estimate is based on our experience in similar proceedings in the past, and our interpretation of the *Phase 1 Scoping Memo* and the procedural course described therein. The reasonableness of the hourly rates requested for TURN's representatives will be addressed in our Request for Compensation.

(#1, #2, #3) 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 devotes to the case going forward.

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 (as well as travel time) 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 Intervenor Compensation Claim 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)).	
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: On Nov. 22, 2010, an ALJ Ruling issued in P.10-08-016, finding that TURN had demonstrated significant financial hardship. That ruling was issued within one year prior to the commencement of this proceeding on October 20, 2011. More recently, on January 3, 2012, an ALJ Ruling issued in R.11-11-008, finding that TURN had demonstrated significant financial hardship. While that ruling was issued since the commencement of this proceeding, rather than prior	

to, TURN provides this citation for the Commission's convenience because it is a more recent finding of our significant financial hardship.

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):

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**
(The party ("customer") intending to claim intervenor compensation identifies and attaches documents; add rows as necessary)

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

ADMINISTRATIVE LAW JUDGE RULING²
(ALJ completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	
a. The NOI has not demonstrated the party's 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)):	

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

² An ALJ Ruling needs 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 Intervenor Compensation Claim); or (c) the NOI has included a claim of "significant financial hardship" that requires a finding under § 1802(g).