

**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 (Filed March 22, 2012)
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [ X ]<sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE'S RULING ON THE VOTE SOLAR INITIATIVE'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

The Vote Solar Initiative ("Vote Solar")			
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/ Kelly M. Foley
Date:	05/16/2012	Printed Name:	Kelly M. Foley

**PART I: PROCEDURAL ISSUES**

(To be completed by the party ("customer") intending to claim intervenor compensation)

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b)): The party claims "customer" status because the party (check one):</b>	<b>Applies (check)</b>
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.	

<sup>1</sup> 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).

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 incorporation in their Notice 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>B. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):</b>	<b>Check</b>
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1. Is the party's 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 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 ___
2a. The party's description of the reasons for filing its NOI at this other time:	
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:	

**PART II: SCOPE OF ANTICIPATED PARTICIPATION**

(To be completed by the party ("customer") intending to claim intervenor compensation)

<b>A. Planned Participation (§ 1804(a)(2)(A)(i)):</b>
<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. Vote Solar's primary interest in this proceeding is the integration of solar and other variable energy resources ("I-VER"). I-VER covers a number of collateral issues also of interest to Vote Solar. Specifically, Vote Solar anticipates participating in all of the issues described at page 5 of the R.12-03-014 Order Instituting Rulemaking issued March 27, 2012 ("OIR") under Section 3(1). To the extent I-VER issues overlap with Sections 3(2) and 3(3), also found at page 5 of the OIR, Vote Solar will likely participate in those issues.</p> <p>To avoid duplication of effort, Vote Solar will attempt to coordinate with appropriately aligned parties such as environmental organizations, trade associations, and ratepayer advocates. Where possible, Vote Solar will engage in joint advocacy with these organizations and will remain open to settlement possibilities with any and all parties.</p> <p>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.</p>

<b>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)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Kelly M. Foley	175	\$325	\$56,875	1
[Attorney 2]				
Eric Gimon	50	\$150	\$7,500	
[Expert 2]				
[Advocate 1]				
[Advocate 2]				
		<b>Subtotal:</b>	\$64,375	
<b>OTHER FEES</b>				
[Person 1]				
[Person 2]				
		<b>Subtotal:</b>		
<b>COSTS</b>				
Copying and postage			\$250	
[Item 2]				
		<b>Subtotal:</b>	\$250	
<b>TOTAL ESTIMATE \$:</b>			\$64,625	
<p>Estimated Budget by Issues:  Local Capacity Requirements/Once Through Cooling Analysis: 30%  System Integration/Renewable Integration Flexibility Needs: 70%</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 (as well as travel time) 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)

<b>A. The party claims "significant financial hardship" for its Intervenor Compensation Claim in this proceeding on the following basis:</b>	<b>Applies (check)</b>
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)).	
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 Judge’s Ruling Regarding Notice of Intent to Claim Intervenor Compensation (“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.”  Date of ALJ ruling (or CPUC decision):  March 3, 2011	

**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 \$64,625 financial burden these customers would incur without Vote Solar’s representation.

**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

**ADMINISTRATIVE LAW JUDGE RULING<sup>2</sup>**  
(ALJ completes)

	Check all that apply
<b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b>	
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):	
<b>2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).</b>	
<b>3. The NOI has not demonstrated significant financial hardship for the following reason(s):</b>	
<b>4. The ALJ provides the following additional guidance (see § 1804(b)(2)):</b>	

**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.	

<sup>2</sup> 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).

Dated \_\_\_\_\_, at San Francisco, California.

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ADMINISTRATIVE LAW JUDGE