

**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)

**DISTRIBUTED ENERGY CONSUMER ADVOCATES
MOTION FOR LEAVE TO FILE LATE-FILED NOTICE OF INTENT
TO CLAIM INTERVENOR COMPENSATION**

Michael Dorsi
Distributed Energy Consumer Advocates
516 Whitewood Drive
San Rafael, CA 94903
m.dorsi@d-e-c-a.org
213.784.250

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DISTRIBUTED ENERGY CONSUMER ADVOCATES
MOTION FOR LEAVE TO FILE LATE-FILED NOTICE OF INTENT TO CLAIM
INTERVENOR COMPENSATION

Distributed Energy Consumer Advocates (“DECA”) hereby moves for leave to file a late-filed Notice of Intent to Claim Intervenor Compensation (“NOI”).

I. Background

DECA is a nonprofit California public benefit corporation formed in late 2011 that informs and educates residential and small commercial producer-consumers of electricity, and advocates on behalf of such customers in a variety of policy forums. While DECA does not limit membership based on geographic location, the vast majority of DECA’s members are located throughout the state of California. Those members either currently produce and consume electricity, or consume electricity and are considering producing it as well. DECA seeks to promote the optimal regulatory climate and market in which its members and others may invest in distributed clean energy infrastructure, without preference to any single technology. DECA plans to become actively involved in this and other California Public Utilities Commission (“CPUC”) proceedings as well as in other policy forums. DECA was granted party status in R.11-10-023 via an emailed ruling from ALJ Gamson on September 6, 2012.¹

II. Motion for Leave to File Late-Filed Notice of Intent to Claim Intervenor Compensation

¹ In his email of September 6, 2012 to DECA staffer Brad Bordine regarding DECA motions in the RA and LTPP proceedings ALJ Gamson ruled “Mr. Bordine: Please file the Motion for Party Status in R.12-03-014 on a stand-alone basis. I instruct Docket to withdraw the Motion for Reconsideration. Please file the Motion for Party Status again in R.11-10-023. Although a previous filing was rejected, it can be re-filed at this time. Once both Motions are properly filed, I intend to grant them both. ”

DECA hereby respectfully requests leave to file a late-filed NOI. DECA was not able to file a NOI within the timeframe required under Rule 17.1 of the CPUC Rules of Practice and Procedure because DECA or its founder was subject to certain restrictions on participation in some proceedings at the CPUC. As those restrictions are no longer applicable DECA now plans to seek intervenor compensation in order to contribute the unique and otherwise unrepresented voice of its members and the customer class it represents to this proceeding. DECA's falls into the "Category 3" customer class pursuant to Public Utilities Code section 1802(b)(1) because it is a formally organized group authorized by its articles of incorporation to represent the interests of residential customers or small commercial electric customers. More information is contained in the NOI filed concurrently with this motion.

DECA is uniquely positioned to represent the interests of residential and small commercial customers who currently have or seek to acquire investments in energy infrastructure that predominantly fall broadly into the categories of distributed generation and demand-side management. As a technology-neutral entity, DECA is free to advocate for the optimal vehicles for achieving the lowest possible costs and environmental impacts for small consumers who prefer to directly control their energy infrastructure investments. Furthermore, DECA does not expressly represent all ratepayers but only those who seek or possess distributed energy infrastructure. DECA believes that environmentally responsible distributed generation and demand side management investments improve the environment, the electricity grid, and the behavior of electricity consumers and DECA hopes to help set policies that increase the number of electricity consumers who might become DECA's constituents. For this reason DECA is more effectively positioned to develop the record around the needs of such customers than more broadly defined ratepayer advocates that may prioritize goals less focused on market transformation. These characteristics distinguish DECA and its perspective in this proceeding.

