

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Pursuant to Assembly Bill 2514 to Consider the Adoption of Procurement Targets for Viable and Cost-Effective Energy Storage Systems

R. 10-12-007

**AMENDED 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): Sierra Club California			
Assigned Commissioner: President Peevey		Assigned ALJ: Amy Yip-Kikugowa	
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 Attachments has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).			
Signature: /s/ William Rostov			
Date:	10/4/12	Printed Name:	William Rostov

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 it (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. The party's explanation of its customer status, economic interest (if any), with any documentation (such as articles of incorporation or bylaws) that supports the party's "customer" status. Any attached documents should be identified in Part IV. Sierra Club was found to satisfy "the preliminary requirements for eligibility to claim intervenor compensation" in this proceeding. (Administrative Law Judge's Ruling	

Finding Various Parties Eligible for Intervenor Compensation, July 5, 2011 [“ALJ Ruling on Eligibility”] p. 9.)

B. Timely Filing of NOI (§ 1804(a)(1)):	Check
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>October 4, 2012</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p>2a. The party’s description of the reasons for filing its NOI at this other time:</p> <p>Sierra Club filed a timely original NOI on May 20, 2011. Sierra Club was preliminarily granted eligibility for intervenor compensation by a ruling in this proceeding. (ALJ Ruling on Eligibility). Sierra Club files this Amended NOI to provide an estimate of hours for Phase 2 of the proceeding. Sierra Club is not seeking a new ruling on eligibility.</p> <p>Sierra Club recognizes that it need not file a new NOI. (Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge, Oct. 10, 2012, p. 5.) Sierra Club intends to file a request for compensation in Phase 1 of this proceeding, which will request compensation close to the total amount of compensation projected in the original NOI. Thus, Sierra Club files this Amended NOI for Phase 2 of the proceeding.</p>	
<p>2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, or ALJ ruling, or other document authorizing the filing of its NOI at that other time:</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)):
<ul style="list-style-type: none"> The party’s description of the nature and extent of the party’s planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed): <p>This NOI addresses Phase 2 of the proceeding. Sierra Club California intends to continue participating in all aspects of Phase 2 including:</p> <ul style="list-style-type: none"> - Participating in workshops. - Preparing written and oral comments.

- If hearings are held, participating in the hearings, preparing testimony and filling any related briefs.
- The party's statement of the issues on which it plans to participate:
 - 1) Commenting on the use cases and their implications on cost-effectiveness and other issues.
 - 2) Developing a cost methodology that accounts for the benefits of energy storage.
 - 3) Promoting the use of energy storage systems for integrating increased amounts of renewable energy resources into the electrical transmission and distribution grid in a manner that minimizes greenhouse gases emissions.
 - 4) Expanding the use of energy storage systems to reduce the use of electricity generated from fossil fuels to meet peak load requirements thereby reducing emissions of criteria pollutants and greenhouse gases.
 - 5) Advocating for the establishment of procurement targets for energy storage systems that maximize emission reductions, and recommending further implementation strategies for the procurement targets.
 - 6) Identifying and removing the barriers to the development and deployment of energy storage systems.

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 FEES				
William Rostov	150	\$380	\$57,000	1
Matthew Vespa	70	\$325	\$22,750	2
		Subtotal:	\$79,750	
EXPERT FEES				
Experts, as required	125	\$150	\$18,750	3
		Subtotal:	\$18,750	
OTHER FEES				
		Subtotal:		
COSTS				
Travel Expenses			\$500	
Estimated Miscellaneous			\$500	

Expenses (e.g. telephone, photocopying)				
		Subtotal:	\$1000	
		TOTAL ESTIMATE \$:	\$99,500	
<p>Comments/Elaboration (use reference # from above):</p> <p>This is a rough estimate for Phase 2 proceeding. These items may need to be adjusted as the actual length and activities of the proceeding are determined, as it is currently unknown how many workshops will be held or the extent and frequency of written comments that will be required or if evidentiary hearings will be held.</p> <p>The reasonableness of the hourly rates for Sierra Club California's representatives will be addressed in our request for compensation (reference # 1 - 3). Experts on technical matters are to be identified at rate up to \$150 (reference # 3). Estimated claim preparation time is not included.</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 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)

A. The party claims "significant financial hardship" for its claim for intervenor compensation 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)).	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)).	

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):
Sierra Club "received a finding of significant financial hardship" in this proceeding. (ALJ Ruling on Eligibility, p. 1.)

**PART IV: THE PARTY’S ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**

(The party (“customer”) intending to claim intervenor compensation identifies and attaches documents (add rows as necessary.) Documents are not attached to final ALJ ruling.)

Attachment No.	Description
1	Certificate of Service

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” that requires a finding under § 1802(g).

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