

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

Order Instituting Rulemaking on the Commission's Own Motion to Conduct a Comprehensive Examination of Investor Owned Electric Utilities' Residential Rate Structures, the Transition to Time Varying and Dynamic Rates, and Other Statutory Obligations.

Rulemaking 12-06-013  
(Filed June 21, 2012)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION  
AND, IF REQUESTED (and [ X ]<sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE'S  
RULING ON TURN'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): The Utility Reform Network (TURN)			
Assigned Commissioner: Michael Peevey		Assigned ALJ: Jeanne McKinney, Timothy Sullivan	
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 I).			
Date:		Signature:	/s/
November 26, 2012	Printed Name:	Marcel Hawiger	

**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	X

<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).

receive bundled electric service from an electrical corporation (§ 1802(b)(1)(C)), or to represent another eligible group.	
<p>4. The party's explanation of its customer status, 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.</p> <p>TURN is a Category 3 "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. 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.</p> <p><input type="checkbox"/> Describe if you have any direct economic interest in outcomes of the proceeding.</p> <p>No.</p>	

<b>B. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):</b>	<b>Check</b>
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>October 24, 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 <u>X</u>
2a. The party's description of the reasons for filing its NOI at this other time: n/a The CPUC was closed on November 22 and 23, so the NOI is filed on November 26 pursuant to Rule 1.15.	
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: n/a	

## 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>
<input type="checkbox"/> The party's statement of the issues on which it plans to participate.

Residential rate design is a core priority issue for TURN and our members. Thus, TURN intends to participate actively in all of the areas related to residential rate design delineated in the OIR, including:

- Evaluating the bill impacts of different rate structures;
- Evaluating the impacts of rate structures upon residential ratepayers differently situated due to geographic location, baseline zone, tariff choice, demographics, and other relevant factors;
- Impact of rates on conservation and efficiency investments;
- Policy issues related to 'cross-subsidies' among residential customers;
- Impacts on low-income CARE customers.
  
- The party's explanation as to how it plans to avoid duplication of effort with other parties and intervenors.

TURN will coordinate actively with the DRA and the many other intervenors to ensure that our showing covers different issues, or adds to the analyses and showings provided by other intervenors.

- 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).

TURN intends to participate actively in this proceeding. TURN has retained expert witnesses to assist in workshops and data analysis, and if necessary, to provide expert testimony. TURN will submit any necessary pleadings and participate in activities necessary for litigating and advocating on behalf of residential and small commercial ratepayers. The OIR indicated that a decision concerning the exact scope and need for hearings will be made at a later time. No Scoping Memo has yet been issued.

**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 \$	#
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Marcel Hawiger	40	350	14,000	
Hayley Goodson	50	320	16,000	
Matthew Freedman	40	350	14,000	
William Marcus	50	250	12,500	
Gayatri Schilberg	60	200	12,000	
		<b>Subtotal:</b>	\$68,500	
<b>OTHER FEES</b>				
[Person 1]				
		<b>Subtotal:</b>		
<b>COSTS</b>				



Xeroxing and Postage			100
Lexis Research			500
Consultant Travel and Lodging			2000
	<b>Subtotal:</b>		\$2,600
<b>TOTAL ESTIMATE \$:</b>			\$71,100
<p>Estimated Budget by Issues:</p> <p>Given the broad outlines presented in the OIR, it is difficult to allocate the budget by specific issue. TURN presents the following general issue allocation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Policy analysis of different rate designs, including tiered rates and dynamic pricing: 40%</li> <li><input type="checkbox"/> Data analysis of rate design impacts: 30%</li> <li><input type="checkbox"/> Impacts of rates on affordability and low-income customers: 20%</li> <li><input type="checkbox"/> Other policy issues: 10%</li> </ul> <p>Comments/Elaboration (use reference # from above):</p> <p>B. Given the broad scope of the issues presented in the OIR and the lack of a scoping memo at this point, it is difficult to estimate future compensation with any accuracy. TURN's estimates of attorney and expert witness times assume no, or very limited, evidentiary hearings and a total of approximately four days of workshops. TURN may update its NOI estimate depending on any future scoping memoranda.</p> <p>B. The reasonableness of the hourly rates requested for TURN's representatives will be addressed in our Request for Compensation.</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)).	
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: R.11-11-008	
Date of ALJ ruling (or CPUC decision): January 3, 2012	

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**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):**

**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>	

<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).

**IT IS RULED that:**

	<b>Check all that apply</b>
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.

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ADMINISTRATIVE LAW JUDGE