

**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
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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 GREENLINING INSTITUTE’S SHOWING OF SIGNIFICANT  
 FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation):			
<b>The Greenlining Institute (“Greenlining”)</b>			
Assigned Commissioner: <b>Michael R. Peevey</b>		Assigned ALJ: <b>Jeanne McKinney, Timothy Sullivan</b>	
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: <b>/s/ Stephanie C. Chen</b>	
Date: <b>11/20/2012</b>	Printed Name: <b>Stephanie C. Chen</b>		

**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.	<b>X</b>
4. The party’s explanation of its customer status, with any documentation (such as	

<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).

articles of incorporation or bylaws) that supports the party's "customer" status. Any attached documents should be identified in Part IV.

Greenlining's members and constituents are purchasers of telecommunications and energy services from utilities in California, qualifying Greenlining to file this NOI as "customers" pursuant to PU Code § 1802(b). Greenlining will represent low-income and minority residential utility customers in this proceeding. In compliance with D.98-04-059, Conclusion of Law 5 and Finding of Fact 12, Greenlining estimates that it represents a constituency that is divided 75% and 25% between residential customers and small business customers, respectively. These percentages represent Greenlining's best estimates only.

Article II, Section 17 of Greenlining's by-laws authorizes it to represent the "interests of low income communities, minorities, and residential ratepayers" before regulatory agencies and courts. Copies of the by-laws of Greenlining are attached to an NOI filed on March 5, 2010 in R.10-02-005.

- Describe if you have any direct economic interest in outcomes of the proceeding.

Greenlining has no direct economic interest in the outcomes of this proceeding.

<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>Oct. 24, 2012</u>	Yes <u>X</u> No <u>  </u>
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 <u>  </u> No <u>X</u>
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)

### A. Planned Participation (§ 1804(a)(2)(A)(i)):

- The party's statement of the issues on which it plans to participate.

Greenlining's primary areas of interest are listed below. It is possible that Greenlining will identify other areas relevant to the interests of its constituencies as the proceeding unfolds. However, at this time Greenlining's participation is planned to focus on:

- A. Policy Goals, with which the resulting rate design must be consistent
  - B. Evaluating rate designs proposed by parties, to ensure that they are consistent with policy goals and create fair and equitable results for the customers Greenlining represents
  - C. Coordination between other proceedings addressing rate design
- The party's explanation as to how it plans to avoid duplication of effort with other parties and intervenors.

Greenlining is jointly participating in this proceeding with the Center for Accessible Technology, to eliminate duplication of effort between our parties, whose interests overlap substantially. Greenlining is coordinating – and will continue to coordinate – with other consumer advocate and environmental parties, among others, to avoid duplication of effort and coordinate wherever possible.

- 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).

As an intervenor, Greenlining intends to fully participate in all aspects of the proceeding including, but not limited to: (1) participating in all workshops relevant to Greenlining's areas of interest, identified below; (2) attending and promoting attendance at public participation hearings, should any be scheduled; (3) engaging other party representatives, as appropriate, to discuss and potentially collaborate on the issues; (4) reviewing any data responses, modeling, or other data generated in the proceeding; (5) filing briefs and comments in response to Commission requests for briefing or comment, and on the Proposed and any Alternate Decisions; and (6) addressing any other matter that arises within the course of the proceeding.

**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>				
<b>Stephanie Chen</b>	<b>40</b>	<b>\$220</b>	<b>\$8,800</b>	
<b>Enrique Gallardo</b>	<b>200</b>	<b>\$370</b>	<b>\$74,000</b>	
<b>Nancy Brockway</b>	<b>50</b>	<b>\$150</b>	<b>\$7,500</b>	
[Expert 2]				
[Advocate 1]				
[Advocate 2]				
		<b>Subtotal:</b>	<b>\$90,300</b>	
<b>OTHER FEES</b>				
[Person 1]				
[Person 2]				
		<b>Subtotal:</b>		
<b>COSTS</b>				
Travel for N.Brockway to attend workshops			<b>\$500</b>	
[Item 2]				
		<b>Subtotal:</b>	<b>\$500</b>	
<b>TOTAL ESTIMATE \$:</b>			<b>\$90,800</b>	

**Estimated Budget by Issues:**

Greenlining estimates that its participation on the aforementioned issues will be distributed approximately as follows. This is only an initial estimate.

- General matters – 10%
- Policy Goals for Rate Design – 30%
- Evaluating Proposed Rate Designs – 50%
- Coordination with Other Proceedings – 10%

**Comments/Elaboration (use reference # from above):**

Greenlining and the Center for Accessible Technology are jointly sponsoring the work of Ms. Brockway in providing expert testimony and advice, and have agreed between themselves to split the costs of her participation. As such, Greenlining's estimate here reflects half of Ms. Brockway's anticipated time and costs, and the other half is reflected in the NOI of the Center for Accessible Technology, filed separately.

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)

<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:  Date of ALJ ruling (or CPUC decision):	

**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):**

Greenlining has requested a new ruling on its claim of significant financial hardship in a Notice of Intent filed in A.11-10-002 on January 6, 2012. That request has not yet been ruled upon, but Greenlining hopes that it will be ruled upon favorably in a timely manner, so that this proceeding may rely upon that ruling, rather than having to duplicate efforts in two separate proceedings. In case it is not, Greenlining’s basis for claiming significant financial hardship in this proceeding is set forth here:

Greenlining is an organization authorized in its Articles of Incorporation to represent the interests of both residential and small commercial electric and gas customers, with particular focus on low-income and of-color communities and customers. A copy of Greenlining’s Articles of Incorporation was previously filed with the Commission in R.10-02-005 (as an attachment to our NOI, filed March 5, 2010). As such, Greenlining is a Category 3 customer as defined in D.98-04-059.

As a Category 3 customer, Greenlining must satisfy the “comparison test” by demonstrating that the economic interest of its members and constituencies in the instant proceeding is small relative to the cost of effective participation in the proceeding. Greenlining submits that it satisfies this test.

In the instant proceeding, the benefits that will accrue to most individual customers

whose interests Greenlining represents will likely be a few dollars of monthly bill savings, which will add up to hundreds of dollars in savings over time. Across these customer groups as a whole and over time, the savings will be substantial, making the cost of Greenlining’s participation reasonable. However, were an individual customer to consider representing himself in this proceeding, he would find that the cost of doing so vastly outweighed the benefits he alone would accrue, especially assuming a lack of procedural expertise.

Because the cost of participation exceeds the financial benefit to be reaped by individual customers, Greenlining satisfies the “comparison test” as described above. In satisfying this test, Greenlining submits that it has successfully demonstrated significant financial hardship as appropriate for a Category 3 customer.

**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>	

<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).

<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.	

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

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ADMINISTRATIVE LAW JUDGE