

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]¹ checked), ADMINISTRATIVE LAW JUDGE’S RULING ON THE UNION OF CONCERNED SCIENTISTS’ SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation):			
The Union of Concerned Scientists (“UCS”)			
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 1).			
Signature:		/s/ Laura Wisland	
Date:	11/21/12	Printed Name:	Laura Wisland

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	X

¹ 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.

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.

UCS is a non-profit, membership organization devoted to building a healthier environment and a safer world through the use of rigorous scientific analysis, innovative thinking and committed citizen advocacy. A copy of UCS's bylaws was submitted with its NOI filed in R.04-04-003 on April 12, 2005. As described in its bylaws, UCS conducts scientific and technical analysis and research in the public interest, disseminates the results of this research and analysis to the general public, and presents its views and assists members in presenting their views before administrative agencies and courts.² UCS seeks to accomplish its goals through four Programs: Climate and Energy, Clean Vehicles, Global Security and Food and Environment. The Climate and Energy Program includes extensive research and advocacy on renewable energy standards, the impact of energy production on human health and the environment, and nuclear safety. UCS has actively participated in numerous proceedings before this Commission with a focus on renewable energy matters, electricity procurement, and greenhouse gas policies, with particular emphasis on the implementation of the state's Renewables Portfolio Standard (RPS) and integration of renewable energy into utility long-term resource plans and procurement. UCS has been ruled eligible for intervenor compensation in numerous proceedings before this Commission, including the recently closed RPS (R.06-02-012 and R.08-08-009) proceedings. UCS was most recently granted intervenor compensation in R.06-02-012 in Decision D.11-07-022 on July 25, 2011.

UCS has 77,000 individual members nationwide, with over 14,000 members in California. These members are residential electricity customers. The Commission has held:

With respect to environmental groups, we have 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. They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example." (D.88-04-066, at 3.)

² The Union of Concerned Scientists, Bylaws, Article II. The Bylaws were previously filed with the Docket Office and the assigned Administrative Law Judge in R.04-04-003. Parties may request a copy from the undersigned.

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

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

B. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: Oct. 24, 2012	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 type="checkbox"/> No <input checked="" type="checkbox"/>
2a. The party's description of the reasons for filing its NOI at this other time: n/a	
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)

A. Planned Participation (§ 1804(a)(2)(A)(i)):
<p>The amount of participation and therefore any future request for compensation is dependent on the course of the proceeding and Commission's final decision in this case. UCS intends to focus its participation on helping to develop proposals for rate structure reform that continue to encourage investments in energy efficiency and renewable energy at both the ratepayer and utility level. To the extent possible, UCS will meet with other stakeholders prior to attending workshops and developing comments, and will file joint comments whenever possible to avoid duplication.</p>

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, EXPERT, AND ADVOCATE FEES				
Laura Wisland, Senior Energy Analyst	70	\$160	\$11,200.00	
		Subtotal:	\$11,200.00	
OTHER FEES				
[Person 1]				
[Person 2]				
		Subtotal:		
COSTS				
[Item 1]				
[Item 2]				
		Subtotal:		
TOTAL ESTIMATE \$:			\$11,200.00	
<p>Estimated Budget by Issues:</p> <p>UCS estimates that its participation on the aforementioned issues will be distributed approximately as follows. This is only an initial estimate.</p> <ul style="list-style-type: none"> <input type="checkbox"/> General matters – 10% <input type="checkbox"/> Policy Goals for Rate Design – 30% <input type="checkbox"/> Evaluating Proposed Rate Designs – 50% <input type="checkbox"/> Coordination with Other Proceedings – 10% <p>Comments/Elaboration (use reference # from above):</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)

A. The party claims "significant financial hardship" for its Intervenor Compensation Claim 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)).	
3. A § 1802(g) finding of significant financial hardship in another	X

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: R.11-10-003	
Date of ALJ ruling (or CPUC decision): 12/29/2011	

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 NOD):

Section 1804(a)(2)(B) provides that “[t]he notice of intent may also include a showing by the customer that participation in the hearing or proceeding would pose a significant financial hardship.” “Significant financial hardship” means, in 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. The Commission has held that organizations with individual members who have annual utility bills of less than \$50,000 possess economic interests that are small in comparison to the costs required to participate in the proceeding. (D.95-02-093, at 4). According to the Commission, an “individual member” means individual members, not the collective membership.

UCS meets this test for significant financial hardship. Although there is no survey of the electricity bills of its membership, it can be stated with confidence that the average annual residential utility bill does not exceed \$50,000. Because UCS represents individual ratepayers, the economic interests of its membership are small compared to cost of participation in this proceeding.

**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 RULING³
(ALJ completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	
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):	
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)):	

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.

³ 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).

ADMINISTRATIVE LAW JUDGE