

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 DISTRIBUTED ENERGY CONSUMER ADVOCATE'S
SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): Distributed Energy Consumer Advocates			
Assigned Commissioner: Michael Peevey		Assigned ALJ: Timothy Sullivan, Jeanne McKinney	
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/ Michael Dorsi	
Date:	11/26/2012	Printed Name:	Michael Dorsi

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.	X
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	

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).

documents should be identified in Part IV.

Distributed Energy Consumer Advocates (“DECA”) is a group or organization authorized pursuant to its articles of incorporation to represent the interests of residential and small commercial customers, consistent with Section 1802(b)'s third category. DECA is a nonprofit California based public benefit corporation that informs and educates residential and small commercial energy consumers of their rights and opportunities to produce their own electricity. Although DECA's members are at this point only residential electricity consumers, its bylaws do allow it to represent similarly situated small commercial customers. However, at no point does DECA expect to have a commercial customer with peak demand in excess of 50kW in keeping with the definition of small commercial customers in 1802(h). In addition to advocating on behalf of residential and small commercial customer classes at the Commission, DECA also advocates on behalf of its growing California membership base in a variety of policy forums. The majority of DECA members are located in the state of California, including within the service territories of the state's large investor owned utilities, its largest municipal utilities, and its current and expected Community Choice Aggregators. DECA's members are both customers of and suppliers to PG&E, SCE, and SDG&E through their residential distributed generation equipment.

Please see supporting documents identified and attached in Part IV.

DECA has no direct economic interest in the outcome of this proceeding.

B. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Cheek
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>10/24/2012</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>X</u> No <u> </u>
2.a The party’s description of the reasons for filing its NOI at this other time: The date of this filing, November 26, 2012, is the first day the Commission was open after the 23 rd of November, which was the 30 th day after the PHC.	
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)):

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

DECA is uniquely positioned to advocate on behalf of residential and small commercial customers who already are producing or who are seeking to produce their own electricity. To DECA's knowledge, no party before the Commission is a technology-neutral nonprofit advocate for residential customers focused on customer choice regarding distributed generation and related demand-side energy investments and activities. It is essential that the producer-consumer perspective on these issues be adequately represented to the Commission, in order to fully realize the goals of distributed renewable generation policies such as CSI, the Preferred Loading Order, the general principle of reducing integration costs, and expanding the rights of producer-consumers. DECA expects to advocate on behalf of a transformative class of distributed producer-consumers on all issues that affect them touching on rate structure issues around demand side management and portfolio assumptions that may increase the cost of investing in small scale infrastructure. DECA also expects to participate in low-income issues in this proceeding.

- ≡ The party's explanation as to how it plans to avoid duplication of effort with other parties and intervenors.

While DECA remains uniquely positioned to advocate on behalf of this growing customer class, DECA will seek to minimize its intervenor compensation claims by coordinating with other parties and intervenors with the goal of reducing the total sum of intervenor claims before the Commission on any given proceeding. These subject areas directly affect DECA's members and their customer class. As a small organization, DECA sees great benefit in joining other parties including intervenors in filing joint comments, seeking to minimize or eliminate hearings when possible, and pursuing similar activities that reduce the size and burdens of the Commission's Intervenor Compensation program.

- ≡ 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). DECA observed the August 27, 2012 workshop and has reviewed all of the material in the proceeding thus far as well as participated in the PHC and filed comments on the scope of questions and responses to them. DECA plans to participate extensively in R.12-06-013 especially with regard to the impact of rate changes that may affect the ability of residential customers to invest in distributed generation or integrated demand side management infrastructure or recover costs associated with such investments. DECA expects to participate in the development of rate tools, and analysis of rate structures with regard to NEM customers and residential owners of small scale distributed generation. This will occur via participation in workshops, preparation of filing of briefs and testimony, and to the extent necessary, meeting with staff and other parties around the development of and revisions to the rate modeling tools proposed to be used in this proceeding. Additionally, Similarly, the allocation of capacity, transmission and distribution, and other costs to that customer class is of great concern to DECA and its

members.

To the extent that DECA members and their customer class are affected by other rate development issues, DECA plans to expand its participation as necessary, advocating on behalf of the interest of current and prospective distributed generation residential and small commercial customers.

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				
Aram Shumavon (Ref #1)	400	200	80000	
Brad Bordine (Ref. # 2)	160	75	12000	
Michael Dorsi (Ref. #3)	240	215	51600	
	Subtotal:		143600	
OTHER FEES				
[Person 1]				
[Person 2]				
	Subtotal:			
Costs				
Printing, photocopying, postage.			200	
	Subtotal:		200	
TOTAL ESTIMATE \$:			143200	

Comments/Elaboration (use reference # from above):

The rates requested by DECA for its counsel, expert and advocacy staff are consistent with the Commission's decisions relating to rates for intervenor compensation, as well as with Resolution ALJ-267 (March 24, 2011). DECA's rates for outside counsel are consistent with the range established by ALJ-267 for attorneys with similar expertise. DECA will provide additional support for the reasonableness of these rates in its Request for Compensation.

Ref. # 1 - DECA's estimate for its expert, Aram Shumavon.

Mr. Shumavon has more than a dozen years of regulatory experience and over decade of CPUC-specific experience as a result of his employment by the Commission in various capacities for more than a decade, including multiple years as an advisor to a Commissioner and work as the senior Public Utilities Regulatory Analyst for the Commission's Energy Division long term procurement planning and renewables integration efforts. Mr. Shumavon's work at the Commission included a broad range of subject areas including all areas of the Commission's regulatory purview as well as inter-governmental coordination at federal, state and local levels.

Outside of his work for the Commission Mr. Shumavon has extensive consulting experience related to energy and sustainability including international work for USAID and California-specific and nationwide strategy development in the commercial and nonprofit sectors.

Ref. # 2 – DECA's estimate for its regulatory advocate, Brad Bordine.

Mr. Bordine is DECA's membership and IT manager. He has many years experience in database management, programming, web design, and membership coordination. His energy industry work experience includes working for a startup demand response concern translating realtime wholesale energy market prices into demand response triggers for small commercial and residential customers. Mr. Bordine translates the real world concerns and needs of DECA's members into energy policies in both California and Texas at the state and local levels.

Ref. # 3 - DECA's estimate for its counsel, Michael Dorsi.

DECA's counsel Michael Dorsi is a member of the California bar and a former employee of the California Public Utilities Commission with energy industry experience dating back to 2005. A graduate of Harvard Law School he has substantial expertise in energy law, renewable energy transactions, and regulatory matters. Mr. Dorsi worked as a law clerk to the California Attorney General's Office, where he participated in drafting the Attorney General's comments the Feed-in Tariff proceeding at FERC. Mr. Dorsi also worked as a legal researcher for Harvard faculty and private authors on academic papers and books regarding transmission policy and pricing, regulation of wind power development, and United Nations climate negotiations. He graduated from Harvard Law School in 2011 where he served as the Editor-in-Chief of the Harvard Environmental Law Review.

Prior to obtaining his law degree Mr. Dorsi worked on FERC issues for the California Public Utilities Commission and worked as a researcher for former President Loretta Lynch during her tenure as Executive in Residence at the Institute for Governmental Studies at UC Berkeley. He is employed by Thoits, Love, Hershberger & McLean.

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)

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	X

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)).	
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):

DECA is a nonprofit California public benefit corporation that represents California residential and small commercial customers. DECA's articles of incorporation (see attachment 2, DECA Articles of Incorporation) direct the organization to advocate on behalf of its members. DECA’s members and potential members – in particular those residential distributed generation customers in California in the footprint of the three largest investor owned utilities as well as those of its largest municipal utilities and CCAs - are directly impacted by the policies established in these joined proceedings, yet from a financial perspective, such interests are too small, and the cost of participation in the proceeding is too high, for such individuals to participate in this proceeding and for their voices to be heard. For example, according to the CPUC’s report, “Introduction to the Net Energy Metering Cost Effectiveness Evaluation” (March 2010), the average residential NEM system size is less than 3.5kW for three IOUs' largest residential tariff groups. That same report shows a benefit of less than \$900 per kW from NEM, meaning a typical individual residential customer with a rooftop solar installation receives a benefit from NEM of less than \$3200 kW. The capacity associated with such a resource is likely to be a similar value. Yet the cost to effectively and meaningfully take part in this proceeding could easily exceed \$100,000. This amount well exceeds what an individual ratepayer would likely be willing to spend to participate in the proceeding. In representing this class, DECA advocates on behalf of customers whose individual economic interests are small in comparison to the costs of effective participation in this proceeding.

Additionally although it does not appear to be required for Category 3 “customers” or under § 1802, the organization itself could not advocate before the Commission on behalf of its members without intervenor compensation.

**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
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1	Certificate of Service
2	Distributed Energy Consumer Advocate's Articles of Incorporation

ADMINISTRATIVE LAW JUDGE RULING²
(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.	

² 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).

Dated _____, at San Francisco, California.

ADMINISTRATIVE LAW JUDGE