

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Services and Facilities of Southern California Edison Company and San Diego Gas and Electric Company Associated with the San Onofre Nuclear Generating Station Units 2 and 3.	FILED PUBLIC UTILITIES COMMISSION OCTOBER 25, 2012 IRVINE, CA INVESTIGATION 12-10-013
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**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): Clean Coalition			
Assigned Commissioner: FLORIO		Assigned ALJ: DARLIING	
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/Dyana Delfin-Polk	
Date:	1/29/13	Printed Name:	Dyana Delfin-Polk

**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
<p>4. The Clean Coalition meets the definition of Category 3 customer because it is a non-profit organization representing California customers and “seeks to protect the broader interests in the environment held by residential ratepayers, most of the membership consists of residential or small commercial electric customers and the financial hardship requirements ... are met.” (Program Guidebook).</p> <p>The Guidebook states: “A Category 3 customer is a formally organized group authorized, pursuant to its articles of incorporation or bylaws, to represent the interests of residential customers or to represent small commercial electric customers.”</p> <p>The Guidebook adds, however:</p> <p>“Certain other environmental organizations may also qualify as Category 3 customers even if the above requirements are not specifically stated in the articles or bylaws as long as the Category 3 customer seeks to protect the broader interest in the environment held by residential ratepayers, most of the membership consists of residential or small commercial electric customers and the financial hardship requirements are met.”</p> <p>The Clean Coalition is a California-based group focused on smart renewable energy policy and is a <u>direct project</u> of Natural Capitalism Solutions, Inc. (“NCS”), a 501(c)(3) based in Longmont, Colorado. The Clean Coalition’s website states:</p> <p>The Clean Coalition is a nonprofit organization whose mission is to accelerate the transition to local energy systems through innovative policies and programs that deliver cost-effective renewable energy, strengthen local economies, foster environmental sustainability, and enhance energy security. To achieve this mission, the Clean Coalition promotes proven best practices, including the vigorous expansion of Wholesale Distributed Generation (WDG) connected to the distribution grid and serving local load. The Clean Coalition drives policy innovation to remove major barriers to the procurement, interconnection, and financing of WDG projects and supports complementary Intelligent Grid (IG) market solutions such as demand response, energy storage, forecasting and communications.</p> <p>We have attached a letter from NCS explaining the relationship between NCS and the Clean Coalition. NCS’ purpose, according to its bylaws (included with this NOI), is as follows:</p> <p>“The organization promotes the global development of environmental sustainability concepts and guides for educators, governments, international institutions and private and public organizations throughout the world.”</p>	

The Clean Coalition is not a membership organization but our newsletter reaches about 3,000 entities each month and our website (www.clean-coalition.org) is designed to provide a broad array of information to the public. The Clean Coalition advocates primarily for “Intelligent Grid” improvements like those being considered under the smart grid proceedings at the Commission, vigorous feed-in tariffs, and “wholesale distributed generation,” which is generation that connects to the distribution grid close to demand centers, thereby avoiding dependencies on transmission build-outs, transmission access charges, transmission line/congestion losses, and other costs/inefficiencies. The lion’s share of our activities are in California, though we are also active on federal policy and active in some other states. The Clean Coalition is active in proceedings at the Commission, Air Resources Board, Energy Commission, California Independent System Operator, the California Legislature, Congress, the Federal Energy Regulatory Commission, and in various local governments around the United States.

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: January 8 th , 2013	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 _
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, or ALJ ruling, or other document authorizing the filing of its 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)):
<ul style="list-style-type: none"> <i>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).</i>
As stated in our Motion for Party Status, the Clean Coalition has several interests in I.12-

10-013; most notably to explore the use of distributed generation and intelligent grid solutions (hereafter “DG+IG”) as alternative forms of energy in the event that SONGS does not come back on line or returns at less than full capacity. Specifically, we will be addressing the following two scenarios (as outlined in the preliminary scoping memo):

- The possibility that SONGS Units 2 and 3 (either simultaneously or separately) will not come back on line; and
- The possibility that SONGS will not return at 100% capacity.

We will be exploring how DG+IG solutions can provide an effective alternate solution to any SONGS outages, discussing the estimated cost and benefits of DG+IG solutions in providing alternatives to SONGS and what percent of replacement power cost should be paid by SCE/SDG&E and the ratepayers. The Clean Coalition will also strive to ensure that the actions taken by SCE, SDG&E and this Commission regarding the future of SONGS are in the best interest of ratepayers while also ensuring that DG+IG solutions are fully considered to replace SONGS in the event that it does not return online (either at all or at less than 100% capacity).

Avoiding Undue Duplication

Pursuant to D.98-04-059, Finding of Fact 13, an intervenor must show that it will represent customer interests that would otherwise be under-represented. The Clean Coalition is the only intervenor representing solely the interests of IG/WDG advocates. While other parties may share some of our policy goals, no party as the singular focus the Clean Coalition has exhibited over an extended period of time. To the extent that other intervenors seek to represent similar customer interests, the Clean Coalition will coordinate its efforts with such parties as is feasible, to avoid duplication of effort.

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				
Tam Hunt	100	330	33,000	
		Subtotal:	33,000	
EXPERT FEES				
Kenneth Sahm White	75	194	14,550	
Ted Ko	30	163	4,890	
		Subtotal:	19,440	
ADVOCATES FEES				

Dyana Delfin-Polk	100	73	7,300	
	Subtotal:		7,300	
COSTS				
[Item 1]				
[Item 2]				
[Item 3]				
	Subtotal:			
TOTAL ESTIMATE \$:			59,740	
Comments/Elaboration (use reference # from above):				
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.				

**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)).	
ALJ ruling (or CPUC decision) issued in proceeding number:	
Date of ALJ ruling (or CPUC decision):	

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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):

The Clean Coalition is making its showing of significant financial hardship at this time, as defined by § 1802 (g) of the Public Utilities Code:

"Significant financial hardship" means either that the 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, or that, 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 Clean Coalition is a non-profit organization with financial backing from three foundations and the Lewis Family Trust (associated with Craig Lewis, the founder and executive director of the Clean Coalition). The Clean Coalition is a new organization and funding is necessarily tight as we try to improve our capabilities to achieve our public policy goals. The Clean Coalition is dependent on outside funding sources to perform its work. Any economic impact on the organization and our members resulting from the outcome of this proceeding would be negligible. Accordingly, we assert that participation without assistance of the intervenor compensation program would create an undue burden on our young organization and the economic interest of our community is small in comparison to the costs of effective participation in this proceeding.

**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	Sponsorship Letter
2	Certificate of Service
3	NCS By-laws

**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

Attachment 1: NCS sponsorship letter



June 29, 2011

Craig Lewis
Executive Director
Clean Coalition
2 Palo Alto Square
3000 El Camino Real, Suite 500
Palo Alto, CA 94306

Subject: 501(c)(3) verification for Clean Coalition

Dear Craig,

This letter confirms that Natural Capitalism Solutions, Inc. (NCS), a 501(c)(3) based in Longmont, Colorado, has been and continues to be the official sponsor of the California-based Clean Coalition (formerly the FIT Coalition). As such, the Clean Coalition is a "direct project" of NCS, receives its funding through NCS and has 501(c)(3) status as a "dba" of NCS.

Sincerely,

/s/ HUNTER LOVINS

Hunter Lovins
President
Natural Capitalism Solutions

Cc: Robbie Noiles, Natural Capitalism Solutions

NATURAL CAPITALISM SOLUTIONS IS A 501(C)3 ORGANIZATION
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