

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

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program	R.11-05-005 (Filed May 5, 2011)
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**AMENDED NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [ ]<sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE'S RULING ON [SIERRA CLUB CALIFORNIA]'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): Sierra Club California			
Assigned Commissioner: Commissioner Ferron		Assigned ALJ: Simon, Ebke, Mattson, De Angelis	
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/ Andy Katz
Date:	05/16/13	Printed Name:	Andy Katz

**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 documents should be identified in Part IV.	

<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).

Sierra Club California meets the third definition of “customer” provided in Public Utilities Code section 1802(b)(1)(C). Sierra Club California is a “representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers . . . .” Public Utilities Code Section 1802(b). Sierra Club California is a non-profit, member-based, “public benefit” California corporation. Over 150,000 of Sierra Club California’s members live and purchase utility services in California, and many of these members are residential customers of Pacific Gas & Electric, San Diego Gas & Electric, and Southern California Edison, the regulated utilities in this proceeding. Sierra Club California’s mission and corporate purpose include “promot[ing] the responsible use of the earth’s ecosystems and resources; educat[ing] and enlist[ing] humanity to protect and restore the quality of the natural and human environment; and us[ing] all lawful means to carry out these objectives.” See Sierra Club Articles of Incorporation at III.<sup>2</sup>

Sierra Club California’s Articles, Bylaws, Standing Rules, and Policies authorize and require it to represent the environmental interests of its members – including California IOU customers. Sierra Club California’s Board of Directors is democratically elected by its members. See Sierra Club California Standing Rule (“S.R.”) 4.8.1.<sup>3</sup> Standing Rule 2.2 of Sierra Club California’s mission and corporate purpose includes “promot[ing] the responsible use of the earth’s ecosystems and resources; educat[ing] and enlist[ing] humanity to protect and restore the quality of the natural and human environment; and us[ing] all lawful means to carry out these objectives.” Sierra Club California is expressly authorized to participate in environmental legal actions to advance its mission, including lawsuits and administrative proceedings. See S.R. 5.15.1 and 9.1.1. For decades, Sierra Club California has participated in environmental lawsuits and administrative proceedings, and has appeared many times before the California Public Utilities Commission.

Sierra Club California’s environmental concerns encompass a broad range of energy and pollution issues. Specifically, Sierra Club has become a leader in the effort to reduce California’s and the nation’s dependence on fossil fuels. The highest current priority of Sierra Club’s work is eliminating the need for fossil fuel-fired power plants through the development of affordable renewable energy. The Sierra Club has been active in advocacy before the Legislature and its committees, the Governor’s office, Energy Commission, and Public Utilities Commission to bring renewable energy on-line and to strengthen the state’s renewable portfolio standard and implementation strategies.

Supporting the deployment and use of renewable energy is a high priority for Sierra Club California. Sierra Club California will devote significant resources to these and other renewable energy issues for the next five to ten years in its national and state level “Clean

<sup>2</sup> All Sierra Club Articles, Bylaws, Standing Rules and Policies are publicly retrievable at <http://www.sierraclub.org/policy/>.

<sup>3</sup> Articles of Incorporation and Bylaws were filed on June 9, 2011, and are available here: <http://docs.cpuc.ca.gov/PublishedDocs/EFILE/NOTICE/138628.PDF>  
<http://docs.cpuc.ca.gov/PublishedDocs/EFILE/NOTICE/138629.PDF>

Energy Solutions” campaign. A centerpiece of this campaign is to secure solutions to global warming, using existing and upcoming technology to “curb global warming, while at the same time building a clean, sustainable economy that lowers energy bills and creates thousands of new jobs.” Additional information is available at <http://www.sierraclub.org/energy>.

To advance these energy-related concerns, Sierra Club California has employed litigation, participation in administrative proceedings, public education and organizing, electoral and legislative advocacy efforts, and communications and media outreach. Sierra Club has brought legal actions numerous times to address pollution from coal-fired power plants, while simultaneously affirmatively supporting renewable energy projects involving wind and solar. Sierra Club California lobbyists and members actively worked in favor of passage of California’s landmark global warming laws including A.B. 32 (“Global Warming Solutions Act of 2006”) and A.B. 1493 (the “Pavley bill,” imposing greenhouse gas emission limits on motor vehicles). Sierra Club receives funding for environmental advocacy from many sources, including philanthropic donations, member contributions, and other sources. The Sierra Club has entered into agreements with certain residential rooftop solar installers that will likely result in a small amount of additional funding. However, Sierra Club’s involvement in the present proceeding is completely independent and unrelated to this small amount of funding.

The interests of the customers represented by Sierra Club California are unique and well suited to this case and will compliment interests represented by other parties that have intervened in this case. As the Commission has recognized: “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. (D.88-04-066, mimeo at 3). They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” D.98-04-059, at 30 n. 14. Sierra Club California brings to this proceeding its members’ unique perspective and experience advancing innovative technical and regulatory solutions to increase renewable energy sources and drastically reduce California’s carbon footprint.

In sum, Sierra Club California’s historic and current interests naturally encompass California’s and the Commission’s efforts to increase investment in and commercialization of sufficient renewable power to meet and go beyond the mandated 33% renewables by 2020. Sierra Club, consistent with its governing documents, appropriately represents the environmental and energy conservation interests of its members who are California IOU customers. Sierra Club California therefore qualifies as a “customer” as defined in section 1802(b)(1)(C) of the Public Utilities Code and the Commission’s decisions applying this section to environmental organizations.

**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: <u>June 13, 2011</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 <u>X</u> No ___
2a. The party's description of the reasons for filing its NOI at this other time:  The OIR directed parties to file updated Notices of Intent within 30 days of when the OIR was mailed (May 10, 2011). Additionally, this is an amended NOI filed pursuant to an ALJ Ruling, and includes additions to our expected scope of work.	
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:  OIR 11-05-005, May 10, 2011; ALJ Ruling <i>Establishing A Procedure To Accept New Notices Of Intent To Claim Intervenor Compensation And Granting Motion For Party Status</i> in R.11-05-005, April 16, 2013	

**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>
<p>The party's statement of the issues on which it plans to participate.  Sierra Club California intends to participate fully in this proceeding proceeding including:</p> <ul style="list-style-type: none"> <li>- Participating in hearings, conferences, and workshops.</li> <li>- Preparing written and oral comments on matters of law and evidence pertinent to this proceeding.</li> <li>- Preparing expert research and comments pertinent to this proceeding.</li> <li>- Filing and reviewing discovery, motions, and/or briefs as necessary.</li> <li>- Additional work necessary for this proceeding.</li> </ul> <p>— The party's statement of the issues on which it plans to participate at this time:</p> <ol style="list-style-type: none"> <li>1. Implementation of Senate Bill 32.</li> </ol>

2. Interconnection for small distributed generation.
3. Modification of RPS compliance rules.
4. Modification of renewable energy credit trading rules.
5. Compliance, Reporting, and Enforcement.
6. Modifications to bid evaluation methodology.
7. Modification of RPS procurement plans.
8. Other issues as they arise.

Amendment to NOI: Sierra Club will continue to participate in this proceeding with regard to multiple above mentioned aspects of implanting the California Renewables Portfolio Standard Program issues. In addition to the issues stated in the original NOI, Sierra Club intends to work to develop a workable metric to ensure that energy projects are sited and operated in a manner which avoids or minimizes impacts to sensitive biological resources. Sierra Club's overarching goal in participating in this aspect of this proceeding is to ensure that energy procurement in California is sustainable, defensible and is accomplished in an environmentally beneficial manner.

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

To the extent possible Sierra Club will coordinate its participation with other parties to avoid duplication through dividing and delegating work based on expertise and availability.

9. 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).

Sierra Club will participate in all workshops, hearings, and related meetings as well as submit comments pertaining to the RPS selection criteria and project viability assessment necessary for improving environmental consideration and work to converge on an optimal environmental screening mechanism with Parties. Sierra Club will also address issues related to transparency and consistency within RPS procurement.

<b>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)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Andy Katz	300	220	66,000	
Sarah Friedman	150	285	42,750	
Robert Freehling	50	200	10,000	
Ray Pingle	50	200	10,000	
Experts, as Required				
		<b>Subtotal:</b>	128,750	
<b>OTHER FEES</b>				
		<b>Subtotal:</b>		
<b>Costs</b>				
Travel Expenses			500	
Estimated Miscellaneous Expenses (e.g. telephone, photocopying)			500	
		<b>Subtotal:</b>	1,000	
		<b>TOTAL ESTIMATE \$:</b>	129,750	
<p>Estimated Budget by Issues:</p> <p>Comments/Elaboration (use reference # from above):</p> <ul style="list-style-type: none"> <li>~ The amended estimated budget includes previous work and claims filed with the Commission arising from this proceeding, and now revises the estimate to incorporate new work related to project siting and prioritization.</li> <li>~ Sierra Club expects to continue to be an active participant in this proceeding, although it is difficult to estimate with certainty the size of our request at this time. The amount of any future claim to compensation is dependent upon the Commission's final decision in this proceeding, as well as the resources Sierra Club has to devote to this proceeding going forward.</li> </ul>				
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 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)).	X
<p>ALJ ruling (or CPUC decision) issued in proceeding number:</p> <p>A.10-03-014</p> <p>Date of ALJ ruling (or CPUC decision): November 30, 2010</p>	

**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):**

Sierra Club has received rulings of significant financial hardship in Commission proceedings including A.10-03-014 and R.08-08-009. The rebuttable presumption therefore applies in this case. In addition, Sierra Club was found eligible for intervenor compensation previously in this proceeding.

In R.08-08-009 ALJ Mattson found: "Sierra Club states that the average utility bill of its individual members and the customers it represents is small compared to the costs of effective participation in this proceeding." This is consistent with prior Commission determinations regarding the Sierra Club, and no new facts are known that result in reaching a different outcome. Sierra Club California has established it will face a significant financial hardship for participation in this proceeding absent intervenor

compensation. ALJ Ruling, R.08-08-009 (June 25, 2009).

The average utility bill of Sierra Club California’s members and the customers it represents continues to be small compared to the costs of effective participation in this proceeding. Sierra Club California, therefore, should continue to be entitled to a finding of significant financial hardship pursuant to Public Utilities Code section 1802(g).

**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>4</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>4</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).



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**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