

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans. | Rulemaking 12-03-014 (Filed March 22, 2012) |
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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: GAMSON | |
| 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: | 8/1/13 | 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 | X |

receive bundled electric service from an electrical corporation (§ 1802(b)(1)(C)), or to represent another eligible group.

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).

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.”

The Guidebook adds, however:

“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.”

The Clean Coalition is a California-based group focused on smart renewable energy policy and is a direct project of Natural Capitalism Solutions, Inc. (“NCS”), a 501(c)(3) based in Longmont, Colorado. The Clean Coalition’s website states:

“The Clean Coalition is a non-profit organization whose mission is to make clean local energy accessible now. Our top goal is to implement policies and programs that accelerate the adoption of cost-effective clean local energy across the United States. The Clean Coalition believes that the right policies will result in a timely transition to clean energy while yielding tremendous economic benefits, including new job creation, increased tax revenue, and the establishment of an economic foundation that will drive growth for decades. The Clean Coalition is active at the national, state, and local levels.”

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:

“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.”

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: | Yes ___ No <u>X</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 ___ |
| 2a. The party's description of the reasons for filing its NOI at this other time: <i>See attached Motion to Late File NOI (dated September 25, 2012)</i> | |
| 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> <p>As stated in our Motion for Party Status (dated June 4th, 2012), Long Term Procurement Planning (LTPP) has long been a policy platform of the Clean Coalition, with the specific goal of ensuring that LTPP reflects a long-term plan for the major deployment of WDG projects in addition to IOU capital expenditures for distribution grid upgrades being allocated to facilitate full deployment of WDG. We also remain committed to ensuring that the 33% renewable portfolio standards (RPS) goals for California are included in LTPP. In addition, we have a direct interest in addressing the following:</p> <ul style="list-style-type: none"> The procurement of new infrastructure for local reliability purposes and other |

local reliability needs (Track 1);

- Ensuring reliability in California over a long-term planning horizon and changes in mandates for renewable power, development of energy storage facilities, increased energy efficiency and demand response resources, and the developing of distributed generation resources, as stated in the R. 12-03-014 scoping memo (Track 2)
- That the Commission establishes “up-front standards” for the IOUs’ procurement activities and cost recovery, pursuant to Assembly Bill (AB) 57 (Track 3);
- Other matters as they arise within R. 12-03-014.

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 | | | | |
| | | | | |
| | | | | |
| | | Subtotal: | | |
| EXPERT FEES | | | | |
| Kenneth Sahm White | 50 | \$175 | \$8,750 | |
| Ted Ko | 15 | \$155 | \$2,325 | |
| | | Subtotal: | \$11,075 | |
| ADVOCATES FEES | | | | |
| Dyana Delfin-Polk | 225 | \$75 | \$16,875 | |
| Craig Lewis | 15 | \$170 | \$2,550 | |
| | | Subtotal: | 16,725 | |
| COSTS | | | | |

| | | | | |
|---|------------------|--|----------|--|
| [Item 1] | | | | |
| [Item 2] | | | | |
| [Item 3] | | | | |
| | Subtotal: | | | |
| TOTAL ESTIMATE \$: | | | \$30,500 | |
| 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): | |

| |
|---|
| 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 | Certificate of Service |
| 2 | NCS Sponsorship Letter |
| 3 | Motion for Late File of NOI |

**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
11823 N. 75TH ST. - LONGMONT, CO 80503
WWW.NATCAPSOLUTIONS.ORG TEL: 720-684-6580

ATTACHMENT 2

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Integrate
and Refine Procurement Policies and
Consider Long-Term Procurement Plans.

Rulemaking 12-03-014
(Filed March 22, 2012)

Clean Coalition Motion to Late-File Notice of Intent to Claim Intervenor Compensation

Dyana Delfin-Polk
Clean Coalition
2 Palo Alto Square
3000 El Camino Real, Suite
500
Palo Alto, CA 94306
209-658-5837
dyana@clean-coalition.org

September 25th, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Integrate
and Refine Procurement Policies and
Consider Long-Term Procurement Plans.

Rulemaking 12-03-014
(Filed March 22, 2012)

I. INTRODUCTION

Pursuant to Rule 11.6 of the California Public Utilities Commission Rules of Practice and Procedure, the Clean Coalition respectfully submits this motion seeking permission to late-file its Notice of Intent (“NOI”) to claim intervenor compensation.

II. BACKGROUND

As stated in our Motion for Party Status (filed June 4th, 2012), the Clean Coalition is a California-based group that advocates for vigorous expansion of the Wholesale Distributed Generation (WDG) market segment, which is comprised of renewable energy generation that connects to the distribution grid and serves local load. Since penetrations of WDG above about 20% require local balancing of supply and demand of energy, the Clean Coalition not only drives policy innovation that removes the top barriers to WDG (procurement and interconnection), but also drives policy innovations that will allow private capital to deploy Intelligent Grid (IG) solutions like demand response and energy storage. The Clean Coalition is active in proceedings at the California Public Utilities Commission, the Federal Energy Regulatory Commission, and related federal and state agencies throughout the United States. The Clean Coalition also designs and implements WDG and IG programs for local utilities and governments around the country.

Long Term Procurement Planning (LTPP) has long been a policy platform of the Clean Coalition, with the specific goal of ensuring that LTPP reflects a long-term plan for the major deployment of WDG projects in addition to IOU capital expenditures for distribution grid upgrades being allocated to facilitate full deployment of WDG. We also remain committed to ensuring that the 33% renewable portfolio standards (RPS) goals for California are included in LTPP. Not only has the Clean Coalition been active in the 2012 LTPP proceeding, but was also involved in the 2010 LTPP proceeding.

III. Reason for a Late Filed NOI

The Clean Coalition has been an active party in the LTPP proceeding since June 4th, 2012. Clean Coalition's staff members were given incorrect information regarding our intervenor compensation status, which is labeled as "Attachment A." In short, we were told that our intervenor compensation status in the 2010 LTPP proceeding would carry-over into the 2012 LTPP proceeding and that a new NOI would not be necessary, assuming our status as an organization did not change. However, on Wednesday, September 19th, ALJ Gamson corrected this information and directed the Clean Coalition staff to submit a motion to late file an NOI/NOI for the 2012 LTPP proceeding. If we had been given the correct information as we intervened, this NOI would have been filed June 15th, 2012.

The Clean Coalition has been heavily active in the LTPP proceeding since we intervened on June 4th, 2012. The Clean Coalition is participating in both Track 1 and Track 2 matters, which include involvement in the Track 1 evidentiary hearings, submission of comments on proposed scenarios and collaboration with other parties to avoid undue duplication and plans to address matters in Track 3 as it is appropriate.

The Clean Coalition will continue to be active in LTPP and will continue to urge the Commission to consider the issues we have been advocating for in this proceeding.

IV. Conclusion

For the reasons stated herein, the Clean Coalition respectfully requests that the Commission grant its Motion to Late-File NOI for Intervenor Compensation in this proceeding. The Clean Coalition does not believe allowing the late-filing of its NOI will in any way disadvantage the other parties or be disruptive to the schedule of the proceeding.

Respectfully submitted,

/s/Dyana Delfin-Polk
Dyana Delfin-Polk
Clean Coalition
2 Palo Alto Square
3000 El Camino Real, Suite 500
Palo Alto, CA 94306
209-658-5837
dyana@clean-coalition.org

Dated: September 25th, 2012