



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 10-05-006 (Filed May 6, 2010)
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**ADMINISTRATIVE LAW JUDGE’S RULING
ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): Clean Coalition (formerly FIT Coalition) ¹	
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Peter V. Allen

PART I: PROCEDURAL ISSUES

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. Party’s explanation of its customer status, economic interest (if any)², with any documentation (such as articles of incorporation or bylaws) that supports the party’s status.</p> <p>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</p>	

¹ The Clean Coalition is a direct project of the Natural Capitalism Solutions, Inc. (See, Additional Guidance provided in this ruling.).

² In its response to the Intervenor Compensation Program’s inquiry, the Clean Coalition stated that it had not received a funding for participating in this proceeding (see, June 17, 2011 correspondence in the proceeding’s “Correspondence” file).

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 sponsored by 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 demonstrating the nature of NCS’ non-profit sponsorship of 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 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. By developing WDG to meet California’s renewable energy and climate mitigation goals, ratepayers and taxpayers will benefit because of the WDG attributes just enumerated. 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.

The Clean Coalition is participating in this proceeding because of its keen interest in helping the Commission to realize the full potential of wholesale distributed generation (WDG) to meet state renewable energy and greenhouse gas mandates; and in helping the Commission to implement an effective feed-in tariff as a key policy tool for realizing this potential. In addition, we will work to ensure that the utility procurement plans reflect the full potential and value of WDG within the utilities’ renewable energy portfolios.

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 WDG and feed-in tariff advocates. While other parties may share some of our policy goals, no party has the singular focus that 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. Timely Filing of NOI (§ 1804(a)(1))³:	Check
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: _____	Yes ___ No X
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 X No ___
2a. The party's description of the reasons for filing its NOI at this other time: We are re-filing our NOI pursuant to ALJ Allen's directions in a March 18, 2011, ruling, providing two weeks from that date to file a revised NOI.	
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: ALJ Ruling from March 18, 2011, in R.10-05-006.	

PART II: SCOPE OF ANTICIPATED PARTICIPATION

A. Planned Participation (§ 1804(a)(2)(A)(i)):
<p><input type="checkbox"/> 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).</p> <p>The Clean Coalition will be active in this proceeding in many areas, but will focus on the RPS planning standards area. In particular, we will continue to highlight the potential for WDG to meet the 33% by 2020 RPS and the likely flood of new WDG projects in California by 2020, under existing and future policies. We will also work to ensure that the utility procurement plans do not include the building of fossil fuel power plants to provide unnecessary backup power for renewables or to replace power plants shut down due to once-through cooling concerns. This is a complex debate and we look forward to that debate but we are concerned that these concerns will be used as fig leaves to allow construction of far more fossil fuel power generation than is required to meet California's goals of more renewables and a stable grid.</p>

³ The original NOI was filed on August 9, 2010. The subject amended NOI was filed on April 1, 2011.

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

The Clean Coalition is focused on Wholesale Distribution Generation (WDG) and feed-in tariffs at this time and we have been providing comments in this proceeding on all long-term procurement issues related to WDG. We have been active in Phase I modeling issues and will remain active in Phase II and III where WDG issues are implicated. We also will comment on other issues where we see a chance to provide constructive feedback to the Commission. Our overarching goal is to ensure that LTPP results in optimal renewable energy planning for ratepayers, taxpayers and the environment by utilizing cost-effective WDG to the maximum extent possible and avoiding unnecessary new natural gas generation.

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 (2010)	60	330	19,800	
Tam Hunt (2011)	120	345	41,400	
<i>Subtotal:</i>			61,200	
EXPERT FEES				
Ted Ko (2010)	60	120	7,200	
Ted Ko (2011)	60	130	7,800	
<i>Subtotal:</i>			15,000	
OTHER FEES				
Sahm White (2010)	60	100	6,000	
Sahm White (2011)	60	110	6,600	
<i>Subtotal:</i>			12,600	
TOTAL ESTIMATE \$:			88,800	

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

A. The party claims “significant financial hardship” 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)).	
B. The party’s explanation of the factual basis for its claim of “significant financial hardship”:	
<p>The Clean Coalition is making its showing of significant financial hardship at this time, as defined by § 1802 (g) of the Public Utilities Code:</p> <p>“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.”</p> <p>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.</p>	

ADMINISTRATIVE LAW JUDGE RULING

	Check all that apply
1. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	X
<p>2. The ALJ provides the following additional guidance (see, § 1804(b)(2)):</p> <p>Natural Capitalism Solutions, Inc. (NCS), is a non-profit organization under Internal Revenue Code §501(c)(3). NCS is based in Colorado. NCS has been the official sponsor of the California-based Clean Coalition.⁴ Based on the Clean Coalition/NCS’s additional information⁵ further clarifying Clean Coalition’s status and relationships to NCS, it appears, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Clean Coalition is a “direct project” of the NCS, meaning that it belongs to its sponsor NCS, and the sponsor is liable for the Clean Coalition’s acts. 	X

⁴ See, Natural Capitalism Solutions, Inc.’s sponsorship letter attached to the Amended NOI of April 1, 2011, as Attachment 1.

⁵ See, a correspondence exchange of the Intervenor Compensation Coordinator and the Clean Coalition between June 17th and 29th, 2011, in the proceeding’s “Correspondence” file.

<ul style="list-style-type: none"> <input type="checkbox"/> Funding provided to the Clean Coalition belongs to the NCS. <input type="checkbox"/> The Clean Coalition was created to directly carry NCS's activities in the State of California. <input type="checkbox"/> NCS would be the owner of the intervenor compensation award; however, the Clean Coalition is authorized to receive the intervenor compensation award, should one be approved. <p>Based on this information, it is appropriate to assign the intervenor status to NCS. Since in the State of California the NCS is acting through its direct project and under the name of, the Clean Coalition, we use this name for the purposes of this proceeding and the compensation matters.</p>	
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IT IS RULED that:

	Check all that apply
1. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	X
2. The customer has shown significant financial hardship.	X
3. 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.	X

Dated July 19, 2011, at San Francisco, California.

/s/ PETER V. ALLEN

 Peter V. Allen
 Administrative Law Judge