

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

Order Instituting Rulemaking To Enhance the Role of Demand Response in Meeting the State's Resource Planning Needs and Operational Requirements.	Rulemaking 13-09-011 (Filed September 19, 2013)
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION  
AND, IF REQUESTED (and [ ]<sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE'S  
RULING ON TURN'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): The Utility Reform Network (TURN)			
Assigned Commissioner: Michael R. Peevey		Assigned ALJ: Kelly A. Hymes	
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/
Date:	November 25, 2013	Printed Name:	Marcel Hawiger

**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	

<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).

attached documents should be identified in Part IV.

TURN is a Category 3 “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” TURN provided the relevant portion of our articles of incorporation in the NOI submitted in A.98-02-017, and again in A.99-12-024. The articles of incorporation have not changed since the time of those earlier submissions. TURN has approximately 20,000 dues-paying members, of whom we believe the vast majority are residential ratepayers. TURN does not poll our members in a manner that would allow a precise breakdown between residential and small business members, so a precise percentage is not available.

..... Do you have a direct economic interest in outcomes of the proceeding?

If yes, explain:

NO

B. Conflict of Interest (§ 1802.3)	Check
<p><b>1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?</b></p> <p>TURN’s primary charge is to represent the interests of residential customers. In many instances, the issues in a Commission proceeding implicate similar if not identical interests for small commercial customers. In those instances, TURN often represents the interests of small commercial customers as well as residential customers. However, for purposes of Section 1802.3, TURN’s assessment is that it is not a customer representing the interests of small commercial customers who received bundled electric service.</p>	<p>___ Yes</p> <p><u> X </u> No</p>
<p><b>2. If the answer to the above question is “Yes”, does the customer have conflict arising from prior representation before the commission?</b></p>	<p>___ Yes</p> <p>___ No</p>
C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
<p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>October 24, 2013</u></p>	<p>Yes <u> X </u></p> <p>No ___</p>
<p>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)?</p>	<p>Yes ___</p> <p>No ___</p>
<p>2a. The party’s description of the reasons for filing its NOI at this other time:</p>	

n/a

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.

TURN intends to address, at least partially, all of the issues described in the OIR and the November 14, 2013 Scoping Memo. For purposes of this NOI, TURN estimates the costs of our participation on Phase 1 and 2 issues, including bridge funding and the recategorization of demand response programs. TURN's primary focus will be on ensuring that DR products and services are properly valued to promote DR at a reasonable cost to utility ratepayers.

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

TURN will coordinate with the DRA and with other intervenors to minimize duplication of overlapping positions, and to ensure that our showing covers different issues, or adds to the analyses and showings provided by the other parties.

- 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).

TURN intends to participate actively in this proceeding by conducting discovery, submitting expert witness testimony, participating in evidentiary hearings, filing any required briefs and legal pleadings, and conducting other activities necessary for litigating and advocating on behalf of residential and small commercial ratepayers.



<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>				
Marcel Hawiger	100	350	35,000	
Thomas Long	10	550	5,500	
Kevin Woodruff	60	240	14,400	
JBS Energy	30	200	6,000	
		<b>Subtotal:</b>	\$60,900	
<b>OTHER FEES</b>				
[Person 1]				
[Person 2]				
		<b>Subtotal:</b>		
<b>COSTS</b>				
Xeroxing and Postage			50	
Lexis Research			200	
Consultant Travel and Lodging			600	
		<b>Subtotal:</b>	\$850	
<b>TOTAL ESTIMATE \$:</b>			\$61,750	
<p>Estimated Budget by Issues:</p> <p>TURN expects that its participation will be allocated as follows:</p> <ul style="list-style-type: none"> <li>· Phase 1 – bridge funding for 2015 – 20%</li> <li>· Phase 2 – bifurcation of demand response programs – 60%</li> <li>· Phase 2 – cost allocation – 20%</li> </ul> <p>Comments/Elaboration (use reference # from above):</p> <p>B. TURN's estimates of attorney and expert witness times are preliminary and based on participation in phases 1 and 2 as defined in the November 14, 2013 Scoping Memo. TURN may file a supplemental notice of intent depending on any future rulings concerning scope. The actual amount of any future request for compensation may vary and will depend upon the Commission's ultimate decision in this case.</p> <p>B. The reasonableness of the hourly rates requested for TURN's representatives will be addressed in our Request for Compensation.</p> <p>When entering items, type over bracketed text; add additional rows to table as necessary.</p> <p>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.</p>				

**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)

<b>A. The party claims "significant financial hardship" for its Intervenor</b>	<b>Applies</b>
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<b>Compensation Claim in this proceeding on the following basis:</b>	<b>(check)</b>
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)).	
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
ALJ ruling (or CPUC decision) issued in proceeding number:  A.12-11-009  Date of ALJ ruling (or CPUC decision): September 6, 2013	

**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):**

**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)

<b>Attachment No.</b>	<b>Description</b>
1	Certificate of Service

**ADMINISTRATIVE LAW JUDGE RULING<sup>2</sup>**  
(ALJ completes)

	<b>Check all that apply</b>
<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):	

<sup>2</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).

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>	

**IT IS RULED that:**

	<b>Check all that apply</b>
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