

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 th , 2013)
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NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and ¹ checked), ADMINISTRATIVE LAW JUDGE’S RULING ON CLEAN COALITION’S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): Clean Coalition	
Assigned Commissioner: Peevey	Assigned ALJ: 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/ Dyana Delfin-Polk
Date:	11/25/13
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 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)).	<input type="checkbox"/>
2. Category 2: Is a representative who has been authorized by a “customer” (§ 1802(b)(1)(B)).	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>

¹ DO NOT CHECK THIS BOX if a finding of significant financial hardship is not 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).

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.

All attached documents should be identified in Part IV.

The Clean Coalition was granted significant financial hardship status in a previous proceeding (R.11-05-005) with regards to significant financial hardship and customer status category 3. See: ALJ Ruling dated July 19, 2011.² In addition, the Clean Coalition's category 3 customer status and financial hardship status was upheld in a recent ruling in R. 12-03-014, dated August 27th, 2013.

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. We have attached a letter from NCS explaining the relationship between NCS and the Clean Coalition. NCS' purpose, according to its bylaws, 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.

² <http://docs.cpuc.ca.gov/PublishedDocs/EFILE/RULINGS/139566.PDF>

Do you have a direct economic interest in outcomes of the proceeding?
 If yes, explain:

B. Conflict of Interest (§ 1802.3)	Check
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the commission?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. 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: October 24 th , 2013	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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)?	<input type="checkbox"/> Yes <input type="checkbox"/> 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, ALJ ruling, or other document authorizing the filing of NOI at that other time:	

PART II: SCOPE OF ANTICIPATED PARTICIPATION

A. Planned Participation (§ 1804(a)(2)(A)(i)):

As stated on our Motion for Party Status, the Clean Coalition has identified demand response (DR) as a key solution for integrating high levels of distributed renewable generation (DG) in a cost-effective way. We are uniquely focused on how DR, and especially Local Automated DR, can play a significant role in integrating centralized and distributed renewables by shifting consumer electricity usage away from peak periods and providing grid services. The Clean Coalition has been active before the California Independent System Operator and the California Energy Commission on issues surrounding the expansion of DR and we plan to continue our involvement with the California Public Utilities Commission in this proceeding moving forward.

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, EXPERT, AND ADVOCATE FEES				
Stephanie Wang (Attorney)	100	305	30,500	1
Dyana Delfin-Polk	100	96	9,600	2
Kenneth Sahm White	25	185	4,625	3
Subtotal: \$				44,725
OTHER FEES				
[Person 1]				
[Person 2]				
Subtotal: \$				

COSTS				
[Item 1]				
[Item 2]				
Subtotal: \$				ESTIMATE TOTAL 44,725
<p>Estimated Budget by Issues:</p> <p>The Clean Coalition cannot provide a more detailed budget at this time due to the fact that our participation is dependent on the progression this proceeding makes. However, we plan to focus on a specific set of issues within various phases of this proceeding.</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 and 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)

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)).	
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 in this proceeding (§ 1804(b)(1)).	X
ALJ ruling (or CPUC decision) issued in proceeding number: R. 11-05-005 and upheld in R. 12-03-014	
Date of ALJ ruling (or CPUC decision): September 13th, 2012 and August 27th, 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):

The Clean Coalition was given significant financial hardship status in a previous proceeding (R.11-05-005) with regards to significant financial hardship and customer status category 3. See: ALJ Ruling dated July 19, 2011³ and a Decision in the same proceeding, dated September 13, 2012 granting intervenor compensation to the Clean Coalition⁴. In addition, the Clean Coalition's category 3 customer status and financial hardship status was upheld in a recent ruling in R. 12-03-014, dated August 27th, 2013.

**PART IV: ATTACHMENTS DOCUMENTING
SPECIFIC ASSERTIONS MADE IN THIS NOTICE**

Attachment No.	Description
1	Certificate of Service
2	Letter from NCS

ADMINISTRATIVE LAW JUDGE

**RULING²
(ALJ
completes)**

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	
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):	
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	

² 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).

³ <http://docs.cpuc.ca.gov/PublishedDocs/EFILE/RULINGS/139566.PDF>

⁴ <https://www.pge.com/regulation/RenewablePortfolioStdsOIR-IV/Final->

[Decisions/CPUC/2012/RenewablePortfolioStdsOIR-IV_Final-Dec CPUC 20120913 D-12-09-014 250200.pdf](https://www.pge.com/regulation/RenewablePortfolioStdsOIR-IV/Final-)

following reason(s):	
4. The ALJ provides the following additional guidance (see § 1804(b)(2)):	

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:
Certificate of Service by Customer**

I hereby certify that I have this day served a copy of the foregoing **NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION** by (check as appropriate):

- hand delivery;
- first-class mail; and/or
- electronic mail

to the following persons appearing on the official Service List:

Parties

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MARIN ENERGY AUTHORITY
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EMAIL ONLY, CA 00000
ENERGY
FOR: MARIN ENERGY AUTHORITY
SUSTAINABLE
REGIONAL

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MCKENNA LONG & ALDRIDGE LLP
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EMAIL ONLY
EMAIL ONLY, CA 00000
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REBECCA TSAI-WEI LEE
CALIF PUBLIC UTILITIES COMMISSION
DRA - ADMINISTRATIVE BRANCH
770 L Street, Suite 1250
Sacramento, CA 95814

Executed this 25th day of November, 2013, at Berkeley, California.

/s/Dyana Delfin Polk

Dyana Delfin-Polk
2 Palo Alto Square
3000 El Camino Real, Suite 5000
Palo Alto, CA 94306

Attachment 2: 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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WWW.NATCAPSOLUTIONS.ORG TEL: 720-684-6580