

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop a Risk-Based Decision-Making Framework to Evaluate Safety and Reliability Improvements and Revise the General Rate Case Plan for Energy Utilities.	Rulemaking 13-11-006 (Filed November 14, 2013)
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
 AND, IF REQUESTED (and ¹ checked), ADMINISTRATIVE LAW JUDGE'S
 RULING ON THE UTILITY REFORM NETWORK'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: John S. Wong	
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: 2/26/14	Printed Name:	Hayley Godson

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 is (check one):	Applies (check)
1. A Category 1 customer that is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers. In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers. See, for example, discussion in D.08-07-019 at 5-10.	

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).

<p>2. A Category 2 customer that is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer's views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group. A representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer (D.98-04-059 at 30).</p>	
<p>3. A Category 3 customer that is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation.² Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws.</p>	X
<p>4. The party's explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p>	
<p>Identify all attached documents in Part IV.</p>	
<p>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.</p>	
<p>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. Similarly, TURN believes that the vast majority of our members receive bundled electric service from an electrical corporation. TURN does not poll our members in a manner that would allow a precise breakdown between those who receive bundled electric service from an IOU, those who receive electric service from a municipal utility and gas service from an IOU, and those who might be a CCA customer or Direct Access customer.</p>	
<p><input checked="" type="checkbox"/> Do you have any direct economic interest in outcomes of the proceeding?³ No If so, explain:</p>	

² Intervenors representing either a group of residential customers or small commercial customers who receive bundled electric service from an electrical corporation, must indicate in Part I, Section A, Item #4 of this form, the percentage of their members who are residential customers or the percentage of their members who receive bundled electric service from an electrical corporation. The NOI may be rejected if this information is omitted.

³ See Rule 17.1(e).

B. Conflict of Interest (§ 1802.3)	Check
<p>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?</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><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>2. If the answer to the above question is "Yes", does the customer have a conflict arising from prior representation before the commission?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> 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>4/29/2014*</u></p> <p><i>*See note in 2b below.</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2a. The party's description of the reasons for filing its NOI at this other time: N/A</p>	

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:

The Commission in O.I.R. 13-11-006 directed that an NOI must be filed "within 30 days of the filing of reply comments, except that notice may be filed within 30 days of a prehearing conference in the event that one is held." (O.I.R. 13-11-006, p. 19.) The Commission set the due date for reply comments as January 30, 2014, and did not indicate with certainty whether a prehearing conference would be held, making the earliest potential NOI due date Saturday, March 1, 2014, which would result in a filing deadline of Monday, March 3, 2014. Then today, February 26, 2014, ALJ Wong issued a ruling scheduling a prehearing conference on April 29, 2014, making May 29, 2014 the final deadline for filing an NOI. Under either deadline, TURN's NOI is timely filed.

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)):

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

Because a Scoping Memo has not yet issued in this proceeding, TURN is unable to describe our intended participation based on the issues set forth therein. However, TURN anticipates that those issues will generally align with the following issues identified in the Preliminary Scoping Memo contained in Section 4 of O.I.R. 13-11-006:

1. Process to Provide Appropriate Analysis and Testimony on Safety and Risk Management
2. Comprehensive Review of Safety, Reliability, Security, and Risk Management in the Utilities’ GRC Applications
3. Timing of the GRC Applications
4. RCP Schedule
5. Uniform Application of the Provisions of the RCP
6. Reducing Complexity in GRCs

At this juncture, TURN intends to address all of these issues in our participation in this proceeding, should they be included in the final Scoping Memo. If the Scoping Memo sets forth different issues than these, TURN may supplement this NOI.

fffffffffffi The party’s explanation of how it plans to avoid duplication of effort with other parties.

TURN has already begun coordinating with parties with similar viewpoints in order to avoid duplication or, where such duplication is unavoidable, seek to ensure that TURN presents material that complements and supplements the showing of other parties. For instance, TURN’s opening comments reflect our coordination with the Office of Ratepayer Advocates. Going forward, TURN expects to continue to pursue coordination with ORA and other parties to the extent feasible to avoid undue duplication in this proceeding.

ffi The party’s description of the nature and extent of the party’s planned participation in this proceeding (to the extent that it is possible to describe on the date this NOI is filed).

TURN has already prepared opening and reply comments in response to O.I.R. 13-11-006. TURN anticipates fully participating in this proceeding consistent with the direction set forth by the Commission.

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				
Hayley Goodson	300	\$350	\$105,000	1
Thomas Long	150	\$535	\$80,250	1
Robert Finkelstein	100	\$500	\$50,000	1
Bill Marcus, JBS Energy	50	\$265	\$13,250	1
			<i>Subtotal: \$248,500</i>	
OTHER FEES				
			<i>Subtotal: \$</i>	
COSTS				
Postage and photocopying			\$300	
Computerized research fees			\$200	
			<i>Subtotal: \$500</i>	
TOTAL ESTIMATE: \$249,000				
<p>Estimated Budget by Issues:</p> <p>TURN provides the following rough estimate of the budget by issue area identified in the Preliminary Scoping Memo contained in O.I.R. 13-11-006:</p> <ol style="list-style-type: none"> 1. Process to Provide Appropriate Analysis and Testimony on Safety and Risk Management: 20% 2. Comprehensive Review of Safety, Reliability, Security, and Risk Management in the Utilities' GRC Applications: 30% 3. Timing of the GRC Applications: 5% 4. RCP Schedule: 8% 5. Uniform Application of the Provisions of the RCP: 2% 6. Reducing Complexity in GRCs: 35% <p>Comments/Elaboration (use reference # from above):</p> <p>#1: TURN's estimates of attorney and expert witness time and hourly rates are preliminary. TURN will address the reasonableness of the hourly rates requested for TURN's representatives in our Request for Compensation.</p> <p>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 compensated at ½ professional 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: 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)

Attachment No.	Description
1	Certificate of Service (filed as a separate attachment)

ADMINISTRATIVE LAW JUDGE RULING⁴

(ALJ completes)

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

IT IS RULED that:

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

⁴ 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).