

**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  checked), ALJ RULING  
ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): San Diego Consumers' Action Network			
Assigned Commissioner: Peevey		Assigned J: 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/ Michael Shames			
Date:	2/14/2014	Printed Name:	Michael Shames

**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, or 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, economic interest (if any), with any documentation (such as articles of incorporation or bylaws) that supports the party's "customer" status. Any attached documents should be identified in Part IV.	

San Diego Consumers' Action Network (SDCAN) is an unincorporated nonprofit association that is authorized by its articles and bylaws to represent the interests of SDG&E's residential and small business customers. Specifically, its Articles state at Article 3 that SDCAN is charged with "Advocating on behalf of customers of these necessary-services companies at state legislative, regulatory or civil court forums." SDCAN's members are and will be SDG&E customers and their interests reflect those of the customers which SDCAN seeks to represent in this proceeding.

<b>B. Timely Filing of NOI (§ 1804(a)(1)):</b>	<b>Check</b>
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>  n/a  </u>  Pursuant to Section 9 of the OIR, this NOI is filed within 30 days of the filing of reply comments (due January 31, 2014) and is therefore timely.	Yes ___ 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)?	Yes ___ No ___

**PART II: SCOPE OF ANTICIPATED PARTICIPATION**

(To be completed by the party ("customer") intending to claim intervenor compensation)

<b>A. Planned Participation (§ 1804(a)(2)(A)(i)):</b>
<ul style="list-style-type: none"> <li>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).</li> </ul> <p>In this proceeding, SDCAN plans on submitting comments, expert testimony and participating in any workshops. As per its Opening Comments, SDCAN's focus is upon reform of the GRC process and a re-examination of utility business models.</p>

<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 FEES</b>				
Michael Shames	100	\$365	\$36,500	

		<b>Subtotal:</b>	\$36,500	
<b>EXPERT FEES</b>				
Experts	300	\$250 (avg)	\$75,000	
		<b>Subtotal:</b>	\$75,000	
<b>OTHER FEES</b>				
Estimated miscellaneous expenses related to this proceeding (e.g., photocopying, telecommunications)			\$500	
		<b>Subtotal:</b>	500	
<b>COSTS</b>				
Travel & Lodging			\$3,000	
Legal services			-	
Copying & delivery			-	
		<b>Subtotal:</b>	\$3,000	
<b>TOTAL ESTIMATE \$:</b>			\$115,000	
Comments/Elaboration (use reference # from above):				
Comment 1: Michael Shames is an experienced practitioner before the CPUC, with an established rate of \$365 per hour from his prior position with UCAN. This rate, or whatever is the appropriate attorneys fee rate at the time of filing, will be fully justified when SDCAN files its Request for Compensation at the end of this proceeding.				
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)

<b>A. The party claims "significant financial hardship" for its claim for intervenor compensation in this proceeding on the following basis:</b>	<b>Applies (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)).	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:	

**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):**

SDCAN is presenting comments in this proceeding that will bear directly on the process by which SDG&E's rates are set. It proposes reforms that should reduce IOU gaming and result in more accurate costs for which ratepayers are charged.

While SDCAN seeks to obtain these benefits for its constituents, it does not collect any money from the people it seeks to benefit. As a small non-profit entity with limited assets, SDCAN would not be able to engage in representation of SDG&E small customers before the Commission without the availability of compensation through the intervenor compensation program. For the purposes of establishing financial hardship, SDCAN has attached its Articles and ByLaws.

**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	Articles & Bylaws of SDCAN

**ADMINISTRATIVE LAW JUDGE RULING<sup>1</sup>**  
(ALJ completes)

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

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<sup>1</sup> 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.

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ADMINISTRATIVE LAW JUDGE

**Attachment 1:**

**SDCAN Articles & ByLaws**

**Articles of Association  
of  
San Diego Consumers' Action Network  
An Unincorporated Nonprofit Association**

Pursuant to the provision of the Corporations Code Section 21000 (Unincorporated Nonprofit Association) of this state, the undersigned incorporators hereby adopt the following Articles of Association:

**Article 1**

The name of this association is San Diego Consumers' Action Network.

**Article 2**

The name and address in the State of California of this association's initial agent for service of process is:

Michael Shames  
6975 Camino Amero  
San Diego, CA 92111

**Article 3**

This entity is a nonprofit unincorporated association and is not organized for the private gain of any person. It is organized under the Nonprofit Association Law as enumerated in Title 3 of the California Corporations Code. The specific purposes for which the association is organized includes but are not limited to:

1. Collecting and disseminating information about companies or municipalities operating in San Diego County which provide necessary services, such as energy, water, financial, housing, communications or other such services.
2. Providing information and free or low-cost guidance to San Diego residential and small business customers of bundled electric utility services, utility-like companies or municipalities providing these necessary services concerning utility or utility-related matters.
3. Advocating or representing the interests at state legislative, regulatory or civil court forums, including but not limited to the California Public Utilities Commission and other government bodies of residential customers or small commercial customers who receive bundled service from an electrical corporation and/or from necessary-services companies.

#### **Article 4**

Pursuant to California Civil Code section 1363(c) the Association shall exercise powers granted to a unincorporated nonprofit association, as enumerated in California Corporations Code sections 21300 et.seq.

#### **Article 5**

This association is intended to qualify as an association under the applicable provisions of the Internal Revenue Code and the California Revenue and Taxation Code. No part of the net earnings of this organization shall inure to the benefit of any private individual, except as expressly provided in those sections with respect to the management, maintenance, and work performed on behalf of the Association.

In the event of dissolution, liquidation, or winding up of the Association, upon or after termination of the Association, in accordance with provisions of the bylaws, its assets remaining after payment, or provision of payment, of all debts and liabilities of the Association shall be divided among and distributed to the Members in accordance with their respective rights in the Project.

**IN WITNESS WHEREOF**, for purposes of forming this nonprofit unincorporated association under the laws of the State of California, the undersigned incorporators has executed these Articles of Association and declare under penalty of perjury that the statements made in the foregoing Articles of Association are true.

/s/

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Signature  
Michael Shames, Interim Director

Dated, July 2, 2012



## SDCAN BYLAWS

# Bylaws of San Diego Consumers' Action Network An Unincorporated Nonprofit Association

## Article 1 Offices

### Section 1. Principal Office

The principal office of the association is located in San Diego County, State of California.

### Section 2. Other Offices

The association may also have offices at such other places, within or without its state of registration, where it is qualified to do business, as its business and activities may require, and as the board of directors may, from time to time, designate.

## Article 2 Nonprofit Purposes

This entity is a nonprofit unincorporated association and is not organized for the private gain of any person. It is organized under the Nonprofit Association Law as enumerated in Title 3 of the California Corporations Code. The specific purposes for which the association is organized includes but are not limited to:

1. Collecting and disseminating information about companies or municipalities operating in San Diego County that provide necessary services, such as energy, water, financial, housing, communications or other such services.
2. Providing information and free or low-cost guidance to San Diego residential and small business customers of bundled electric utility services, utility-like companies or municipalities providing these necessary services.
3. Advocating or representing the interests at state legislative, regulatory or civil court forums, including but not limited to the California Public Utilities Commission and other government bodies of residential customers or small commercial customers who receive bundled service from an electrical corporation and/or from necessary-services companies.

## **Article 3 Director**

### **Section 1. Compensation**

The director shall serve without salary but will receive compensation based upon revenues generated by the director.

### **Section 2. Duties**

The duties of the Director are: (1) to recruit and maintain membership, including limiting the number of members as necessary; (2) to represent and advocate the interests of SDCAN and its members before the California Public Utilities Commission and other government bodies; (3) to inform and advise utility customers regarding issues pertaining to SDCAN's work ; (4) to maintain an office, including reasonable retention of records; (5) to produce a newsletter for periodically at his or her discretion; and (6) to manage the business affairs of the organization, including retention of administrative or professional staff or consultants.

### **Section 3. Powers**

Upon receipt of a petition signed by the majority of the members, the Director shall communicate to all members and organize a membership vote regarding any proposal to revise or amend the bylaws or to replace the Director. Replacement of director requires a two-thirds vote.

## **Article 4 Members**

### **Section 1. Membership**

The Director shall recruit and maintain members sufficient to achieve reasonable representation in the service territories and among the service categories of California's major utility corporations and agencies. Membership is limited to residents of San Diego County and includes SDG&E utility customers of record or, in the case of residential customers, members of their immediate families, or, in the case of small businesses, proprietors or principals.

### **Section 2. Membership Size**

Total membership shall be limited to 20 or any other reasonable number, at the discretion of the Director, in order to limit time and administrative effort needed to maintain membership lists and account for member dues.

### **Section 3. Privacy**

The Director shall not reveal the identity of any member without the Consent of the member and shall not allow use of the membership list for any purpose other than SDCAN communications.

**Section 4. Dues**

Member dues shall be no less than \$2 per year.

**Section 5. Membership Eligibility**

Membership dues will be accepted by the Director. Membership is entirely at the discretion of the Director and payment of membership, alone, will not constitute membership unless with the express approval of the Director.

**Article 5  
Finances**

**Section 1. Records**

The Director shall maintain reasonable financial records.

**Section 2. Member Liability**

Members are not responsible for any financial obligation incurred by SDCAN. The Director is responsible for all such financial obligations.

**Section 3. Association Assets**

SDCAN shall not assume ownership of any furniture or equipment with an initial cost exceeding one hundred dollars (\$100.00). The Director shall provide for use by SDCAN all necessary furniture, computers, printers, other office equipment and working capital. SDCAN shall not have exclusive use of those assets.

**Section 4. Bank Accounts**

The Director shall maintain and hold sole signatory authority for a checking account at a local bank or financial institution, if a separate bank account is opened. The Director may choose to track all SDCAN costs/revenues and utilize a bank account not dedicated to SDCAN.

**Section 5. Intervenor Compensation**

To the extent that the CPUC awards SDCAN any compensation, the Director shall use intervenor compensation awarded by the California Public Utilities Commission to offset office expenses and other operating costs to the extent that such costs are included in the

compensation award. The Director shall compensate himself or herself or any expert Witness, advocate or other person retained by SDCAN to the extent such costs are included in the compensation award.

#### **Section 6. Other Income**

The Director shall use any income derived from other sources, including membership fees, to offset operating expenses not covered by member dues or compensation awards.

#### **Section 7. Tax Status**

For tax purposes, the Director may participate in SDCAN's operations as a sole proprietorship, consistent with applicable Federal and California laws. The Director may also choose to seek tax exemption for the association, at his/her discretion.

### **ARTICLE 6 Dissolution**

In the event SDCAN is disbanded or dissolved, the Director shall recover all equipment and assets not belonging to SDCAN and shall distribute any remaining equipment, supplies and other assets to a charitable or public purpose organization at his or her discretion.

#### **ADOPTION OF BYLAWS**

I, the undersigned, is the initial director of this association and I consent to, and hereby do, adopt the foregoing bylaws, consisting of four preceding pages, as the bylaws of this Association

Dated: July 2, 2012

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Michael Shames  
At San Diego, California