

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

Order Instituting Rulemaking on the Commission's Own Motion to Conduct a Comprehensive Examination of Investor Owned Electric Utilities' Residential Rate Structures, the Transition to Time Varying and Dynamic Rates, and Other Statutory Obligations.	Rulemaking 12-06-013 (Filed June 21, 2012)
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION  
AND, IF REQUESTED (and [ X ]<sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE'S  
RULING ON UCAN'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation):  Utility Consumers' Action Network (UCAN)	
Assigned Commissioner: Peevey	Assigned ALJ: Jeanne McKinney
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/ Donald Kelly
Date: February 7, 2014	Printed Name: Donald Kelly

**PART I: PROCEDURAL ISSUES**

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

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b)):</b> The party claims "customer" status because the party is (check one):	<b>Applies (check)</b>
1. A <b>Category 1</b> 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.	

<sup>1</sup> 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 <b>Category 2</b> 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 <b>Category 3</b> 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.<sup>2</sup> 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>	<p><b>X</b></p>
<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>UCAN is a charitable nonprofit 501(c)(3) corporation. UCAN is a consumer advocacy organization dedicated to protecting and representing the interests of residential and small business customers of regulated utility services such as electricity, gas, water and telecommunications.</p> <p>In D.98-04-059, the Commission directed intervenors to state in their NOIs which of three customer “categories” they fall within. UCAN is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” The decision also requires groups such as UCAN to include in their NOI’s a copy of the authorization in their articles of incorporation to represent residential customers, or to provide a reference to a previous filing, see D.98-04-059, p. 30. UCAN provided the relevant portion of our articles of incorporation in an ALJ’s Ruling in A. 05-02-019 dated June 28, 2005. The articles of incorporation have not changed since the time of those earlier submissions. UCAN is a membership organization with the vast majority of members being SDG&amp;E residential and small business ratepayers.</p>	
<p>• Do you have any direct economic interest in outcomes of the proceeding?<sup>3</sup> If so, explain:</p>	

<sup>2</sup> 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.

<sup>3</sup> See Rule 17.1(e).

<b>B. Conflict of Interest (§ 1802.3)</b>	<b>Check</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?	<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 type="checkbox"/> No

<b>C. Timely Filing of Notice of Intent (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: January 8, 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 checked="" 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**

(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 statement of the issues on which it plans to participate.</li> </ul> <p>UCAN intends to actively participate in this proceeding on the issues identified in the original OIR and the subsequently issued Assigned Commissioner’s Rulings that changed this proceeding to rate setting as well as opening a Phase 2 to affect interim rate redesign in 2014.</p> <p>UCAN intends to evaluate and review the proposals of SDG&amp;E regarding rate redesign, taking in to account customer bill impacts of any proposal. UCAN also will examine and evaluate SDG&amp;E’s proposal as it relates to bill impacts to customers classes across all climate zones and see how SDG&amp;E’s proposals affect the classes differently, how it affects cross subsidy issues and evaluate their proposals involving the impact on CARE customers.</p> <ul style="list-style-type: none"> <li>The party’s explanation of how it plans to avoid duplication of effort with other parties.</li> </ul>

UCAN is coordinating its effort with DRA, TURN and other intervenors to maximize UCAN 's participation that enhances the Commission 's understanding by providing a unique perspective on the issues considered or adding to the showing of other intervenors.

- 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).

UCAN plans to actively participate through all phases and issues of this proceeding. UCAN has retained the services of an expert witness to help prepare data requests and to review the information provided. UCAN's expert and attorney will be attending the workshops and if necessary offering testimony on any SDG&E proposal. UCAN has already participated in settlement discussions of Phase 2 issues, propounded data requests, and is actively engaged with other parties involving all other issues presented in this docket.

<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>				
Donald Kelly - Attorney	95	\$390.00	\$37,050	
[Expert 1]				
David Croyle - Expert	125	\$225.00	\$28,125	
			<i>Subtotal: \$ 65,175</i>	
<b>OTHER FEES</b>				
[Person 1]				
[Person 2]				
			<i>Subtotal: \$</i>	
<b>COSTS</b>				
Travel and Lodging			\$1,250	
[Item 2]				
			<i>Subtotal: \$ 1,250</i>	
<b>TOTAL ESTIMATE: \$66,425</b>				

**Estimated Budget by Issues:**

This case started as a rulemaking and has been reclassified as rate setting. Given the broad scope of this proceeding it is difficult to estimate budget breakdown by cost. However, in general terms UCAN believes the following to be a close approximation of the hours to be spent in this proceeding:

1. General analysis of rate design proposals including rate impacts across the customer classes and climate zones – 50%

2. Examination of policy issues involving cross subsidies and TOU default proposals for 2018 - 25%
3. Impact on low income customers and the CARE program design proposals -10%
4. Phase 2 issues for interim rate redesign in 2014 – 15%

UCAN intends to minimize costs whenever possible, however, since the SDG&E has yet to submit a proposal for phase 1 it is hard to estimate the extent of UCAN’s involvement with those issues. SDG&E has submitted a phase 2 proposal which UCAN is actively engaged. Given the uncertainty of estimating the amount of work for UCAN, given no SDG&E proposal has been made for phase 1, UCAN may update its NOI at a later time.

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.

and travel **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.13-05-012	
Date of ALJ ruling (or CPUC decision):10-10-2013	

**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

**ADMINISTRATIVE LAW JUDGE RULING<sup>4</sup>**  
(ALJ completes)

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

**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.

<sup>4</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).

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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:

[Insert names and addresses from official Service List]

Executed this [day] day of [month], [year], at [city], California.

[Signature]

[Typed name and address]