

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

Order Instituting Rulemaking to Consider Alternative-Fueled Vehicle Programs, Tariffs, and Policies

**R. 13-11-007**  
(Filed November 22, 2013)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION  
AND, IF REQUESTED (and  <sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE'S  
RULING ON [SIERRA CLUB]'S SHOWING OF SIGNIFICANT FINANCIAL  
HARDSHIP**

Customer (party intending to claim intervenor compensation): Sierra Club			
Assigned Commissioner: Carla Peterman		Assigned ALJ: Irene K. Moosen	
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/ Andy Katz
Date:	3/27/14	Printed Name:	Andy Katz

**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)): The party claims "customer" status because the party (check one):</b>	<b>Applies (check)</b>
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 attached documents should be identified in Part IV.  Sierra Club meets the third definition of "customer" provided in Public Utilities Code section 1802(b)(1)(C). Sierra Club is a "representative of a group or organization	

<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).

authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers . . . .” Public Utilities Code Section 1802(b). Sierra Club is a non-profit, member-based, “public benefit” California corporation. Over 150,000 of Sierra Club’s members live and purchase utility services in California, and many of these members are residential customers of Pacific Gas & Electric, San Diego Gas & Electric, and Southern California Edison, the regulated utilities in this proceeding. Sierra Club’s mission and corporate purpose include “promot[ing] the responsible use of the earth’s ecosystems and resources; educat[ing] and enlist[ing] humanity to protect and restore the quality of the natural and human environment; and us[ing] all lawful means to carry out these objectives.” See Sierra Club Articles of Incorporation at III.<sup>2</sup>

Sierra Club’s Articles, Bylaws, Standing Rules, and Policies authorize and require it to represent the environmental interests of its members, including California IOU customers. Sierra Club’s Board of Directors is democratically elected by its members. Standing Rule 2.2 of Sierra Club’s mission and corporate purpose includes “promot[ing] the responsible use of the earth’s ecosystems and resources; educat[ing] and enlist[ing] humanity to protect and restore the quality of the natural and human environment; and us[ing] all lawful means to carry out these objectives.” Sierra Club California is expressly authorized to participate in environmental legal actions to advance its mission, including lawsuits and administrative proceedings. See S.R. 5.15.1 and 9.1.1. For decades, Sierra Club has participated in environmental lawsuits and administrative proceedings, and has appeared many times before the California Public Utilities Commission.

Sierra Club is a national non-profit environmental organization with over 150,000 members in California. Sierra Club’s motto is to “explore, enjoy, and protect the planet,” and is taking action to protect our natural resources from climate change through priority campaigns to move America beyond fossil fuel in part by advancing electric vehicles and renewable electricity resources. Sierra Club has been at the forefront of championing policy for clean cars, from sponsoring AB 1493, implementing greenhouse gas standards for passenger vehicles, to continuing advocacy in support of AB 32, the California Global Warming Solutions Act. Sierra Club is working to pass standards and incentives to ensure that all Americans have access to safe, affordable, clean transportation options. Additional information is available at <http://www.sierraclub.org/energy>.

The interests of the customers represented by Sierra Club are unique and well suited to this case and will compliment interests represented by other parties that have intervened in this case. As the Commission has recognized: “With respect to environmental groups, we have concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. (D.88-04-066, mimeo at 3). They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” D.98-04-059, at 30 n. 14. Sierra Club

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<sup>2</sup> All Sierra Club Articles, Bylaws, Standing Rules and Policies are publicly retrievable at <http://www.sierraclub.org/policy/>.

brings to this proceeding its members' unique perspective and experience advancing innovative technical and regulatory solutions to increase renewable energy sources and drastically reduce California's carbon footprint.

Sierra Club is a grassroots environmental organization interested in implementing measures to reduce greenhouse gas emissions and increase reliance on renewable energy sources. The Club's interest in this proceeding is not related to any business interest. The Club receives funding for environmental advocacy from many sources, including philanthropic donations, member contributions and other sources. The Club has entered into agreements with certain residential rooftop solar installers that will likely result in a small amount of additional funding. However, the Club's involvement in the present proceeding is completely independent and unrelated to those small amounts of funding.

In sum, Sierra Club's historic and current interests naturally encompass California's and the Commission's efforts to increase investment in and commercialization of electric vehicles. Sierra Club, consistent with its governing documents, appropriately represents the environmental and energy conservation interests of its members who are California IOU customers. Sierra Club California therefore qualifies as a "customer" as defined in section 1802(b)(1)(C) of the Public Utilities Code and the Commission's decisions applying this section to environmental organizations.

<b>B. 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: <u>February 26, 2014</u>	Yes <u>X</u> 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 ___
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 at this time</li>   <li>- Electric Vehicle rates for tariffs serving residential customers, workplaces, and medium/heavy-duty vehicles.</li> </ul>

- Financing opportunities for customers
- Vehicle-to-Grid Integration
- 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).

Sierra Club intends to participate fully in this proceeding including:

- Participating in hearings, conferences, and workshops.
  - Preparing written and oral comments on matters of law and evidence pertinent to this proceeding.
  - Preparing expert research and comments pertinent to this proceeding.
  - Filing and reviewing discovery, motions, and/or briefs as necessary.
  - Additional work necessary for this proceeding.
- The party's explanation as to how it plans to avoid duplication of effort with other parties and intervenors.

To the extent possible, Sierra Club will coordinate its participation with other parties to avoid duplication through dividing and delegating work based on expertise and availability.

<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>				
Andy Katz [attorney]	150	235	35,250	
Matt Vespa [attorney]	30	330	9,900	
EcoShift Consulting [expert]	150	180	27,000	
	<b>Subtotal:</b>		72,150	
<b>OTHER FEES</b>				
	<b>Subtotal:</b>			
<b>Costs</b>				
Travel Expenses			500	
Estimated Miscellaneous Expenses (e.g. telephone, photocopying)			500	
	<b>Subtotal:</b>		1,000	
<b>TOTAL ESTIMATE \$:</b>			73,150	
Estimated Budget by Issues:				
Comments/Elaboration (use reference # from above):				
- Sierra Club expects to be an active participant in this proceeding, although it is difficult to estimate with certainty the size of our request at this time.				
- At this time, it is anticipated that the budget will focus on Track 2, related to rate design, but this may change if the scope of this proceeding reorganizes Tracks regarding financing and customer access, or depending on the how the scope of this proceeding overlaps with issues in other proceedings related to Vehicle-Grid Integration.				
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 (as well as travel time) 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 Intervenor Compensation Claim 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)).	X
ALJ ruling issued in proceeding number: R.12-06-013	
Date of ALJ ruling (or CPUC decision): February 25, 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 NOD):**

The average utility bill of Sierra Club’s California members and the customers it represents continues to be small compared to the costs of effective participation in this proceeding. Sierra Club, therefore, should continue to be entitled to a finding of significant financial hardship pursuant to Public Utilities Code section 1802(g).

Sierra Club has received rulings of significant financial hardship in Commission proceedings, including A.10-03-014, R.08-08-009, R.10-05-006, and within the last year in R.12-06-013. In R.12-06-013, ALJs Sullivan and McKinney determined, on February 25, 2013, that: Sierra Club’s estimated cost of participating in this proceeding far exceeds the economic interests of the individual members of Sierra Club or of Sierra Club itself. Thus, Sierra Club showing meets the eligibility criteria for intervenor compensation set forth in § 1804 because Sierra Club has demonstrated that it qualifies for a finding of significant financial hardship pursuant to § 1802(g).

Sierra Club does not anticipate any challenge to its eligibility for compensation in this proceeding. If any party does comment on Sierra Club’s eligibility, Sierra Club requests that it be granted the opportunity to reply to such party’s comments within 10 days after the service of such filing.

**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>3</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 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 reason(s):</b>	
<b>4. The ALJ provides the following additional guidance (see § 1804(b)(2)):</b>	

**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.

<sup>3</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