

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 14, 2013)
--	--

NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [X]¹ checked), ADMINISTRATIVE LAW JUDGE'S RULING ON THE VOTE SOLAR INITIATIVE'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): The Vote Solar Initiative ("Vote Solar")	
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 has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
Signature:	/s/ Jill E.C. Yung
Date: 3/28/2014	Printed Name: Jill E.C. Yung

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:</p> <p>Vote Solar is a California non-profit, public benefit corporation with Internal Revenue Code §501(c)(3) status, working to fight global warming, increase energy independence, decrease fossil fuel dependence, and foster economic development by bringing solar energy into the mainstream. Vote Solar works principally at the state level, helping to implement the suite of policies necessary to build robust, sustainable and long-term solar markets. Founded in 2002, Vote Solar has over 54,500 members nationwide, approximately 20,000 of which are Californians. The vast majority of the approximately 20,000 Californian members are individuals receiving residential electric service from one of the California investor owned utilities. The interests of these customers in this proceeding, and in energy issues in general, are unique and are not adequately represented by other parties that have intervened in the case. Vote Solar is one of the only (if not only) non-profit, public benefit organizations dedicated solely to the advancement of solar energy solutions, and Vote Solar's non-profit, public benefit status prevents Vote Solar's members from having a direct economic interest in, or gain from, Vote Solar's activities.</p> <p>In D. 98-04-059, page 29, footnote 14, the Commission reaffirmed its "previously articulated interpretation that compensation be proffered only to customers whose participation arises directly from their interests as customers." The Commission explained that "[w]ith respect to environmental groups, [the Commission has] 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." Consistent with this articulation, Vote Solar represents customers with a</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.

concern for the environment combined with an interest in increasing the proliferation of solar to address environmental conditions of concern. This interest is distinguishable from interests represented by other consumer advocates who have intervened in this case.

D.98-04-059 also requires organizations such as Vote Solar to provide a copy of their articles of incorporations in their Notices of Intent to Claim Intervenor Compensation (“NOI”), or to provide reference to a previous filing in which the articles of incorporation were submitted. On August 13, 2010, in proceeding R.10-05-006, Vote Solar attached articles of incorporation and other relevant documents to its NOI. On March 3, 2011, in that same proceeding, Administrative Law Judge Peter V. Allen issued an Administrative Law Judge’s Ruling Regarding Notice of Intent to Claim Intervenor Compensation (“Ruling”). Page 8 of the Ruling finds that Vote Solar is a customer “as that term is defined in Public Utilities Code § 1802(b)(1)(C) [, that it] would be a significant financial hardship for [Vote Solar] to participate in [the] proceeding without an award of fees or costs [, and that the Vote Solar] Initiative is eligible to request intervenor compensation in [the] proceeding.”

Identify all attached documents in Part IV.

• Do you have any direct economic interest in outcomes of the proceeding?³ No.

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 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: February 26, 2014	<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:	

³ See Rule 17.1(e).

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)):

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

Vote Solar actively supports and advocates for robust solar energy policies, including programs to incentivize increased reliance on distributed generation infrastructure and eliminate or mitigate challenges related to future reliance on very high levels of solar generation in California. Additionally, Vote Solar supports efforts to allow for greater penetration of renewable resources for the purpose of meeting California’s aggressive greenhouse gas (“GHG”) reduction goals. For these reasons, Vote Solar anticipates actively participating in all of the issues described in Sections 3.4 and 3.5, at pages 15-20 of the R.13-11-007 Order Instituting Rulemaking issued November 14, 2013 (“OIR”).

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

Vote Solar works collaboratively with others in the clean energy advocacy community in Commission proceedings and often submits comments jointly with groups such as the Solar Energy Industries Association, the Sierra Club, and the Interstate Renewable Energy Council. Vote Solar and its allies seek to divide work efficiently, come to agreement on key issues and speak with one voice where possible. To avoid duplication of effort in this proceeding, Vote Solar will continue its practice of attempting to coordinate with appropriately aligned parties such as environmental organizations, trade associations, and ratepayer advocates. Where possible, Vote Solar will engage in joint advocacy with these organizations.

- **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).**

Vote Solar will participate in all aspects of this proceeding that may arise, including attendance at workshops, submission of comments, submission of testimony, participation in hearings, and submission of briefing. While Vote Solar will, consistent with the commitments made above, endeavor to avoid duplication, it still anticipates that it will provide significant, independent input on the value of vehicle integration and approaches to incentivize its adoption. Vote Solar is not a trade association, but represents the interests of consumers and businesses that support the deployment of solar energy to help the state meet its aggressive carbon reduction goals. As such, we provide a unique perspective that is not otherwise represented in the proceeding. We believe this proceeding could have the potential to greatly expand solar energy deployment in the state by addressing important grid integration issues that could be affected by EV and PHEV Vehicle to Grid policies, tariffs and programs.

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				
[Attorney 1]				
[Attorney 2]				
Jim Baak	200	\$250	\$50,000	
[Expert 2]				
[Advocate 1]				
[Advocate 2]				
			<i>Subtotal: \$ 50,000</i>	
OTHER FEES				
[Person 1]				
[Person 2]				
			<i>Subtotal: \$</i>	
COSTS				
[Item 1]				
[Item 2]				
			<i>Subtotal: \$</i>	
			TOTAL ESTIMATE: \$ 50,000	

Estimated Budget by Issues:

This estimated budget by issue is rough, consistent with the early stage of this proceeding. Vote Solar’s estimate is based on its experience in similar proceedings and its understanding of the likely scope of the proceeding as discussed at the recent prehearing conference. Vote Solar anticipates that 80% of the time in the proposed budget will be spent on Vehicle-Grid integration issues and that 20% of the time will be split between involvement in the EV Rate Design and involvement in Financing issues.

The proposed rate for expert Jim Baak is based on Resolution ALJ-287, establishing the most recent intervenor compensation rates by years of experience. Jim has over 25 years of experience in renewable energy and utility industries with a diverse background in corporate, non-profit, start-up, governmental, and consulting sectors. Areas of expertise include renewable energy program design/management, renewable resource integration, transmission scenario planning, siting/permitting, rate design, cost of service analysis, economic analysis, metering, solar performance monitoring, electric vehicle program design/management, renewable incentive/tax abatement programs, regulatory strategy, and business development.

Vote Solar will be submitting a first-time representative rate request for Jim Baak as part of Vote Solar’s intervenor compensation request submitted in R.12-03-014.

Comments/Elaboration (use reference # from above):

The reasonableness of the hourly rates requested for Vote Solar’s representatives will be addressed in our Request for Compensation. The amount of any future request for compensation will depend upon the Commission’s ultimate decision in this case, the number of phases in the proceeding, the number of workshops established for this proceeding, as well as the resources Vote Solar has to devote to the case going forward. Vote Solar does not, at this time, anticipate being involved in any rate making hearings (consistent with the discussion at the prehearing conference). However, if rate making becomes a part of this proceeding, live testimony could significantly increase the number of hours required to participate effectively in 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 compensated at ½ professional 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)

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)).	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 in this proceeding (§ 1804(b)(1)).	
ALJ ruling (or CPUC decision) issued in proceeding number: Date of ALJ ruling (or CPUC decision):	

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):

Although now expired, Vote Solar has repeatedly made a sufficient showing of significant financial hardship:

In proceeding R.10-05-006, Administrative Law Judge Peter V. Allen issued an Administrative Law Judge’s Ruling Regarding Notice of Intent to Claim Intervenor Compensation (“Ruling”). Page 8 of the Ruling finds that it “would be a significant financial hardship for [Vote Solar] to participate in [the] proceeding without an award of fees or costs.”

Date of ALJ ruling (or CPUC decision): March 3, 2011

The March 3, 2011 decision in R.10-05-006 was subsequently affirmed by:

A.10-11-015, ALJ Darling ruling issued June 3, 2011 at p.13.

R.10-12-007, ALJ Yip-Kikugawa ruling issued July 5, 2011 at p. 12.

More recently, on February 25, 2013, in proceeding R. 12-06-013, Administrative Law Judges Timothy J. Sullivan and Jeanne McKinney issued an Administrative Law Judges’ Ruling on Notices of Intent to Claim Intervenor Compensation and Determinations of Eligibility to Claim Compensation in which the Judges determined (on p. 26) that Vote Solar had demonstrated significant financial hardship pursuant to § 1802(g) because Vote Solar’s “estimated cost of participating in [the] proceeding far exceed[ed] the economic interests of those whose views it promotes or the economic interests of VSI [Vote Solar] as an organization.”

Showing of financial hardship in this proceeding:

The economic interests of individual Vote Solar members are small when compared to the costs of effective participation. As stated above, Vote Solar represents the interests of California Vote Solar members who are IOU customers. These customers share an interest in Vote Solar’s mission to fight global warming, increase energy independence, decrease fossil fuel dependence, and foster economic development by bringing solar energy into the mainstream. The purposes and intents of this proceeding directly affect this interest. The ultimate impact of this interest, however, is extremely broad in nature and inures directly to the public good and cannot realistically be quantified on an individual level. Thus, because of the economics of public versus individual benefits, the individual benefit theoretically approaches zero. A near zero benefit is extremely small relative to the estimated \$50,000 financial burden these customers would incur but for Vote Solar’s representation.

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 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).