

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

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.	R. 13-12-010 (Filed December 19 <sup>th</sup> , 2013)
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and  checked), ADMINISTRATIVE LAW JUDGE'S RULING ON [Clean Coalition]'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): <b>Clean Coalition</b>	
Assigned Commissioner: <b>Gamson</b>	Assigned ALJ: <b>Picker</b>
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:	<i>Dyana Delfin-Polk</i>
Date: 3/25/14	Printed Name: Dyana Delfin-Polk

**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 <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>	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>• Do you have any direct economic interest in outcomes of the proceeding?<sup>3</sup> If so, explain:</p>	

<b>B. Conflict of Interest (§ 1802.3)</b>	<b>Check</b>
<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>___ 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>___ Yes            ___ No</p>

<b>C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):</b>	<b>Check</b>
<p>1. Is the party's NOI filed within 30 days after a Prehearing Conference?            Date of Prehearing Conference: <b>February 25<sup>th</sup>, 2014</b></p>	<p>___ x ___ Yes            ___ No</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).

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 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>
<p>The Clean Coalition has long been involved in the long-term procurement planning process and we are uniquely focused on advocating for the integration of high levels of distributed renewable generation (DG) in a cost-effective way as well as the increased use of demand response (DR), energy storage (ES) and advanced inverters (AI). We also remain committed to ensuring that the renewable portfolio standards (RPS) goals for California are included in LTPP for 2020 and beyond. The Clean Coalition has also been active before the California Independent System Operator and the California Energy Commission on long-term procurement issues and we plan to continue our involvement with the California Public Utilities Commission in this proceeding moving forward.</p>
<p><u>Avoiding Undue Duplication</u></p> <p>Pursuant to D.98-04-059, Finding of Fact 13, an intervenor must show that it will represent customer interests that would otherwise be under-represented. The Clean Coalition is the only intervenor representing solely the interests of IG/WDG advocates. While other parties may share some of our policy goals, no party as the singular focus the Clean Coalition has exhibited over an extended period of time. To the extent that other intervenors seek to represent similar customer interests, the Clean Coalition will coordinate its efforts with such parties as is feasible, to avoid duplication of effort.</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>				
Item	Hours	Rate \$	Total \$	#
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Stephanie Wang (Attorney) <sup>4</sup>	100	\$305	30,500	
Kenneth Sahn White <sup>5</sup>	100	\$270	27,000	
Dyana Delfin-Polk <sup>6</sup>	50	\$190	9,500	

<sup>4</sup> Resolution ALJ-287  
<sup>5</sup> Resolution ALJ-287/D. 13-12-023  
<sup>6</sup> Resolution ALJ-287/D.13-12-021

<i>Subtotal: \$67,000</i>				
<b>OTHER FEES</b>				
[Person 1]				
[Person 2]				
<i>Subtotal: \$</i>				
<b>COSTS</b>				
[Item 1]				
[Item 2]				
<i>Subtotal: \$</i>				
<b>TOTAL ESTIMATE: \$67,000</b>				
<p>Estimated Budget by Issues: <b>The Clean Coalition cannot provide a more detailed budget at this time due to the fact that our participation is dependent on the progression this proceeding makes. However, we plan to focus on a specific set of issues within various phases of this proceeding and coordinate with other parties to avoid undue duplication.</b></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>				

and travel time is typically compensated at 1/2 of prepare 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)).	
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)).	<b>X</b>
ALJ ruling (or CPUC decision) issued in proceeding number: <b>D.13-12-021/D.13-12-023 for R. 11-05-005</b>	
Dated: <b>12/5/13</b>	

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):**

The Clean Coalition was granted significant financial hardship status in R.11-05-005 as well as customer status category 3. (See: D.13-12-021/D.13-12-023, both dated 12/5/13).

The Clean Coalition meets the definition of Category 3 customer because it is a non-profit organization representing California customers and “seeks to protect the broader interests in the environment held by residential ratepayers, most of the membership consists of residential or small commercial electric customers and the financial hardship requirements ... are met.” (Program Guidebook). The Guidebook states: “A Category 3 customer is a formally organized group authorized, pursuant to its articles of incorporation or bylaws, to represent the interests of residential customers or to represent small commercial electric customers.”

The Guidebook adds, however: “Certain other environmental organizations may also qualify as Category 3 customers even if the above requirements are not specifically stated in the articles or bylaws as long as the Category 3 customer seeks to protect the broader interest in the environment held by residential ratepayers, most of the membership consists of residential or small commercial electric customers and the financial hardship requirements are met.”

The Clean Coalition is a California-based group focused on smart renewable energy policy and is a direct project of Natural Capitalism Solutions, Inc. (“NCS”), a 501(c)(3) based in Longmont, Colorado. We have attached a letter from NCS explaining the relationship between NCS and the Clean Coalition. NCS’ purpose, according to its bylaws, is as follows: “The organization promotes the global development of environmental sustainability concepts and guides for educators, governments, international institutions and private and public organizations throughout the world.” The Clean Coalition is not a membership organization but our newsletter reaches about 3,000 entities each month and our website ([www.clean-coalition.org](http://www.clean-coalition.org)) is designed to provide a broad array of information to the public. The Clean Coalition advocates primarily for “Intelligent Grid” improvements like those being considered under the smart grid proceedings at the Commission, vigorous feed-in tariffs, and “wholesale distributed generation,” which is generation that connects to the distribution grid close to demand centers, thereby avoiding dependencies on transmission build-outs, transmission access charges, transmission line/congestion losses, and other costs/inefficiencies. We are active on federal policy and active in some other states. The Clean Coalition is active in proceedings at the Commission, Energy Commission, California Independent System Operator, the Federal Energy Regulatory Commission, and in various local governments around the United States.

**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
2	NCS Letter

**ADMINISTRATIVE LAW JUDGE RULING<sup>7</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.

\_\_\_\_\_  
 Administrative Law Judge

<sup>7</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).

**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:

Please see Attachment 1, Certificate of Service and Service List

Executed this 25<sup>th</sup> day of March, 2014, at Berkeley, California.

*Dyana Delfin-Polk*

Dyana Delfin-Polk

16 Palm Court  
Menlo Park, CA 94025

Attachment 2



June 29, 2011

Craig Lewis  
Executive Director  
Clean Coalition  
2 Palo Alto Square  
3000 El Camino Real, Suite 500  
Palo Alto, CA 94306

Subject: 501(c)(3) verification for Clean Coalition

Dear Craig,

This letter confirms that Natural Capitalism Solutions, Inc. (NCS), a 501(c)(3) based in Longmont, Colorado, has been and continues to be the official sponsor of the California-based Clean Coalition (formerly the FIT Coalition). As such, the Clean Coalition is a "direct project" of NCS, receives its funding through NCS and has 501(c)(3) status as a "dba" of NCS.

Sincerely,

/s/ HUNTER LOVINS

Hunter Lovins  
President  
Natural Capitalism Solutions

Cc: Robbie Noles, Natural Capitalism Solutions

NATURAL CAPITALISM SOLUTIONS IS A 501(C)3 ORGANIZATION  
11823 N. 75TH ST. - LONGMONT, CO 80503  
WWW.NATCAPSOLUTIONS.ORG TEL: 720-684-6580