

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Enhance the Role of Demand Response in Meeting the State’s Resource Planning Needs and Operational Requirements.	Rulemaking 13-09-011 (Filed September 19 th , 2013)
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NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and ¹ checked), ADMINISTRATIVE LAW JUDGE’S RULING ON [CLEAN COALITION]’S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): Clean Coalition	
Assigned Commissioner: Peevey	Assigned ALJ: Hymes
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: 4/25/14	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 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: (i.e., articles of incorporation or bylaws).</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.

Identify all attached documents in Part IV.

The Clean Coalition was granted customer status category 3 as well as significant financial hardship status in R. 11-09-011 and R.11-05-005. (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) 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. The Clean Coalition is active in proceedings at the Commission, Air Resources Board, Energy Commission, California Independent System Operator, the California Legislature, Congress, the Federal Energy Regulatory Commission, and in various local governments around the United States.

• Do you have any direct economic interest in outcomes of the proceeding?³ **No.**
 If so, explain:

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

³ See Rule 17.1(e).

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
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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: October 24 th , 2014	<input type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2a. The party’s description of the reasons for filing its NOI at this other time: The Clean Coalition is submitting an NOI for Phases 3 and 4 of this proceeding, as per the direction of ALJ Kelly Hymes.	
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: See email ruling of April 7th, 2014.	

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.

As stated on our Motion for Party Status, the Clean Coalition has identified demand response (DR) as a key solution for integrating high levels of renewable generation in a cost-effective way. We are uniquely focused on how DR can play a significant role in integrating centralized and distributed renewables by shifting consumer electricity usage away from peak periods and providing grid services. The Clean Coalition has been active before the California Independent System Operator and the California Energy Commission on issues surrounding the expansion of DR and we plan to continue our involvement with the California Public Utilities Commission in this proceeding moving forward.

We will leverage our deep technical expertise to inform this proceeding. The Clean Coalition's Hunters Point Community Microgrid Project, in partnership with Pacific Gas & Electric, will show how local preferred resources, including demand response, can integrate high levels of local renewables while maintaining or improving grid reliability. Our staff works with companies to improve power-flow modeling tools to enable greater visibility into the distribution grid and optimization of portfolios of integrated local resource solutions.

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

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 one of the few non-profit intervenors focusing on demand response for renewable integration. Further, the Clean Coalition coordinates its efforts with the DR Collaborative and environmental groups such as Environmental Defense Fund and Sierra Club to avoid duplication and increase consensus.

- 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).

The Clean Coalition will continue extensive involvement in this proceeding, as well as related proceedings to best inform our recommendations moving forward. Our involvement will include submission of comments, coordination with other parties and participation in evidentiary hearings, as necessary.

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				
Stephanie Wang (Attorney)	200	305	\$61,000	1
Kenneth Sahm White (Expert)	100	270	\$27,000	2

Dyana Delfin-Polk (Advocate)	50	190	\$9,500	3
Greg Thomson (Expert) ⁴	80	220	\$17,600	4
<i>Subtotal: \$115,100</i>				
OTHER FEES				
[Person 1]				
[Person 2]				
<i>Subtotal: \$</i>				
COSTS				
[Item 1]				
[Item 2]				
<i>Subtotal: \$</i>				
TOTAL ESTIMATE: \$115,100				
<p>Estimated Budget by Issues:</p> <p>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 Phase 3 and Phase 4 of this proceeding and coordinate with other parties to avoid undue duplication.</p> <p>Comments/Elaboration (use reference # from above):</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 **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

⁴ Mr. Thomson is the director of the Community Microgrid Initiative for the Clean Coalition and is leading the Bayview-Hunter’s Point project currently underway in San Francisco, CA. He has over 15 years of experience in business development and product management, which is reflected in his requested rate.

ALJ ruling (or CPUC decision) issued in proceeding number: D.13-12-021/D.13-12-023 for R. 11-09-011 and R. 11-05-005 Dated: 12/5/13	
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<p>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):</p> <p>The Clean Coalition was granted significant financial hardship status in R. 11-09-011 and R.11-05-005 in December of 2013. (See: D.13-12-021/D.13-12-023, both dated 12/5/13).</p> <p>The Clean Coalition is a non-profit organization whose California policy efforts are primarily funded by intervenor compensation, and secondarily funded by foundation grants. The Clean Coalition cannot afford to participate in this proceeding without the assistance of the intervenor compensation program, as it would cause undue hardship on our non-profit organization. In addition, the economic interest of our constituency is small in comparison to the costs of the Clean Coalition’s effective participation and potential outcomes in this proceeding.</p> <p>As stated in D. 13-12-023, “the ruling on Clean Coalition’s showing of significant financial hardship has merit and is therefore accepted in this proceeding.”⁵ Thus, the Clean Coalition should be entitled to a finding of significant financial hardship in this proceeding.</p>

**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

⁵ See: D. 13-12-023 dated December 5th, 2013: https://www.pge.com/regulation/RenewablePortfolioStdsOIR-IV/Final-Decisions/CPUC/2013/RenewablePortfolioStdsOIR-IV_Final-Dec_CPUC_20131205_D-13-12-023_292752.pdf

ADMINISTRATIVE LAW JUDGE RULING⁶

(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

⁶ 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:

See attached.

Executed this day, April 25th, 2014 at Berkeley, CA.

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
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