

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, 2013)
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CONSUMER FEDERATION OF CALIFORNIA AMENDED NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and []¹ checked), ADMINISTRATIVE LAW JUDGE’S RULING ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): Consumer Federation of California			
Assigned Commissioner: Michael R. Peevey		Assigned ALJ: Kelly A. Hymes	
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Amended 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 Amended NOI has been served this day upon all required persons (Certificate of Service attached as Attachment 1).			
Signature:		/s/ Donald P. Hilla	
Date:	May 2, 2014	Printed Name:	Donald P. Hilla

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 (check one):	Applies (check)
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)).	X
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.	

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).

Since 1960, CFC has been a powerful voice for consumer rights. CFC campaigns for state and federal laws focused on consumer protection. Each year, we testify before the California legislature on dozens of bills that affect millions of our state's consumers. We also appear before state agencies, like the California Public Utilities Commission, in support of consumer regulations and in pursuing consumer protection goals. Our central purpose is to represent consumers and their interests, educate on consumer issues and advocate for laws and regulations that protect California consumers.

CFC is a non-for-profit 501(c) (4) federation of individual consumer members and organizations that are comprised of California consumers, including consumer groups, senior citizen groups, faith-based groups, community organizations, labor groups and other organizations, all of whom are residential customers of California public utilities.

CFC is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.”

CFC has been present at the CPUC, and a participant in numerous matters, since 2006.

CFC does not have any direct economic interest in the outcomes the Commission may adopt in this proceeding.

On October 25, 2013, in the matter R.13.02.008, *Order Instituting Rulemaking to Adopt Biomethane Standards and Requirements, Pipeline Open Access Rules, and Related Enforcement Provisions*, the CFC was found to have satisfied the eligibility requirements under Public Utilities Code section 1804(a), to qualify as a “customer.” to have shown significant financial hardship, and to be eligible for intervenor compensation.

• Do you have a direct economic interest in outcomes of the proceeding? **NO**
 If yes, 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
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: Date of Prehearing Conference: October 24, 2013	<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
<p>2a. The party's description of the reasons for filing its NOI at this other time: CFC originally filed its NOI on November 22, 2013. The first prehearing conference was held on October 24, 2013. Therefore CFC's initial NOI was timely.</p> <p>On April 7, 2014, in E-MAIL RULING SETTING DEADLINE FOR FILING NOTICES OF INTENT TO CLAIM INTERVENOR COMPENSATION FOR PHASE THREE, the parties we instructed to file and serve new or revised notices of intent to claim compensation for phase three of R.13-09-011, no later than Monday, May 5, 2014. The instructions also provided that parties who previously filed timely NOIs at the beginning of this proceeding are not required to file a separate NOI for Phase Three.</p> <p>Even though the CFC previously filed a timely NOI, given the expanding scope of this rulemaking, and the number of participatory hours already logged by CFC in this matter, CFC's believes its underestimated its initial estimate of participatory hours.</p>	
<p>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 directly above, April 24 email ruling; the parties we instructed / invited to file and serve new or revised notices of intent to claim compensation for phase three of R.13-09-011.</p>	

PART II: SCOPE OF ANTICIPATED PARTICIPATION

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

<p>A. Planned Participation (§ 1804(a)(2)(A)(i)):</p>
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- The party's statement of the issues on which it plans to participate.

The CFC plans to participate in Phases Two through Four to the extent it can add value and provide a significant contribution.

Specific issues CFC hopes to address in Phase Three include: Goals for Demand Response; Resource Adequacy Concerns (as directed by D.14-03-026); CAISO Market Integration Costs (as directed by D.14-03-026); Supply Resources Issues; Load Modifying Resources Issues and Program Budget Application Processes.

CFC notes that, even though this amended NOI was specifically allowed to address Phase Three participation, Phase Two issues remain to be resolved. D.14-03-026 determined that the record was insufficient for reviewing cost allocation, assessing the role of load impact protocols, revising cost effectiveness protocols, and determining the rules regarding the use of back up generators. CFC also hopes to offer valuable input in the Phase Two portion of this proceeding.

CFC has already filed and served numerous written responses, replies and comments in this rulemaking and has attempted to answer questions presented in the Rulemaking.

CFC has addressed issues such as bridge funding, future demand response programs designed to improve consumer participation in demand response programs, capacity issues, the development of a competitive procurement mechanisms, the advent of new technologies, and the bifurcation of the current, utility-administered, utility-centric, ratepayer-funded demand response programs, into demand-side and supply side.

Going forward CFC will address those issues that have a direct impact on residential ratepayers. The CFC also plans to address **the commoditization of "demand response resources"** as the conceptual equal to utility-procured or actually generated resources. CFC has studied demand response resource models already in use in other states and will attempt to report on its findings in the future, if warranted. CFC has and will continue to comment on development and adoption of a roadmap for collaboration and coordination with other Commission proceedings and state activities related to demand response programs. **Also of interest to CFC is the valuation methodology that will be used in the bidding / procurement process, and whether, and how, the economical benefit enjoyed by bidding of demand response into CAISO marketplace, by those who would enjoy such a benefit, is passed on to the end-user, residential electricity consumer.**

CFC intends to take part in any and all activities that may arise and would be required in order for CFC to have meaningful impact and make a substantial contribution in this rulemaking.

As the scope of this rulemaking is subject to significant change, as the history of this matter makes abundantly clear, CFC reserves the right to adjust the scope of its participation in response to future, as yet unforeseen, events.

- The party's explanation of how it plans to avoid duplication of efforts

The CFC will continue to communicate with other intervenors and parties in an effort to avoid a duplication of efforts. The CFC notes that there are few parties to this proceeding that specifically focus on the interests of the residential ratepayers. CFC will focus on residential consumers. CFC expects continue to coordinate with those other parties taking similar or consistent positions in order to minimize potential overlap on issues and to ensure that where such overlap occurs each party is presenting its own analysis and conclusions.

That said, CFC is mindful that in cases such as these, where there are many parties, and the parties are requested to, on a regular basis, address a specific set of questions, some duplication is inevitable.

- The party's description of the nature and extent of the party's planned participation in this proceeding

Please see above, CFC statement of the issues on which it plans to participate.

Specific issues CFC hopes to address in Phase Three include: Goals for Demand Response; Resource Adequacy Concerns (as directed by D.14-03-026); CAISO Market Integration Costs (as directed by D.14-03-026); Supply Resources Issues; Load Modifying Resources Issues and Program Budget Application Processes.

CFC will continue to address those issues that have a direct impact on residential ratepayers and plans to fully participate in this Rulemaking. CFC has already written an opening prehearing statement and responses and comment relating to prehearing statements and other rulings. CFC participated in the first prehearing conference, and participated in a workshop. CFC plans to participate in future workshops, to file comments, and submit prepared testimony and written briefs, if deemed necessary. The CFC will engage in any and all activities that may be required, in order to make a significant contribution in this rulemaking.

The OIR clearly indicates that the goal of this rulemaking is to enhance the role of demand response in terms of residential energy consumption and to identify procedures that will commoditize demand response resources such that it may be treated as generated power on the wholesale market. What is being proposed may have a profound impact on California, residential, energy consumers. These consumers are CFC's constituents.

CFC notes that, even though this amended NOI was specifically allowed to address Phase Three participation, Phase Two issues remain to be resolved. D.14-03-026 determined that the record was insufficient for reviewing cost allocation, assessing the role of load impact protocols, revising cost effectiveness protocols, and determining the rules regarding the use of back up generators. CFC also hopes to offer valuable input in the Phase Two portion of this proceeding.

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				
Donald Hilla	500	\$555	\$277,500.00	1
Nicole Johnson	100	\$305	\$30,500.00	2
[Expert 1]				
[Expert 2]				
Richard Holober, CFC Exec. Director	10	\$305	\$305	3
[Advocate 2]				
			Subtotal: \$	311,050,00
OTHER FEES				
[Person 1]				3
[Person 2]				
			Subtotal: \$	00
COSTS				
[Item 1]				
[Item 2]				
			Subtotal: \$	00
			TOTAL ESTIMATE: \$	311,050.00

PRELIMINARY Estimated Budget by Issues: (1) **40%** review and analyze current demand response programs to determine whether and how we should bifurcate them into demand-side (customer-focused programs and rates) and supply-side resources (reliable and flexible demand response that meets system resource planning and operational requirements); **30%** (2) create (or identify) an appropriate competitive procurement mechanism for supply-side demand response resources; (3) **10%** determine the program approval and funding cycle; (4) **10%** provide guidance for transition years; and (5) 10% develop and adopt a roadmap with the intent to collaborate and coordinate with other Commission proceedings and state agencies in order to strategize the future of demand response in California.

PHASE THREE Estimated Budget by Issues: (based upon issues set forth in the April 02, 2014 revised scoping memo): (1) **20%** General Goals Resource Adequacy Concerns (as directed by D.14-03-026) 20% (2) **20%** Resource Adequacy Concerns (as directed by D.14-03-026) (3) **15%** CAISO Market Integration Costs (as directed by D.14-03-026) (4) **15%** Supply Resources Issues (5) **15%** Load Modifying Resources Issues (6) **15%** Program Budget Application Process.

These are, of course, **ballpark** estimates. The allocation of resources is dependant, at least in part, upon how much time the Commission wishes to spend on the issues and sub-issues and on any number of other, variable factors. **The actual numbers may vary and it may be required that these estimates be revised at some future date.**

Comments/Elaboration (use reference numbers from above): CFC has not included in its estimate claim preparation time in this Amended NOI. The reasonableness of the hourly rates requested will be addressed in our Request for Compensation (numbers 1, 2 and 3.)

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 and 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)

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	X
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

<p>ALJ ruling (or CPUC decision) issued in proceeding number: R.13.02.008</p> <p>On October 25, 2013, in the matter R.13.02.008, Order Instituting Rulemaking to Adopt Biomethane Standards and Requirements, Pipeline Open Access Rules, and Related Enforcement Provisions, the CFC was found to have satisfied the eligibility requirement under Public Utilities Code section 1804(a), to have shown significant financial hardship, and was ruled to be eligible for intervenor compensation. All necessary documentation was submitted at that time. Please note that as CFC's original NOI was not rejected and it has proceeded on the assumption that it has already been granted significant financial hardship status in this matter.</p>	<p>X</p>
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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>N/A See directly above.</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

ADMINISTRATIVE LAW JUDGE RULING
(ALJ completes)

	Check all that apply
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 reason(s):	
4. The ALJ provides the following additional guidance (see § 1804(b)(2)):	

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.

ADMINISTRATIVE LAW JUDGE

**See 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** Rulemaking 13-09-011 by (check as appropriate):

- hand delivery; ALJ
McKinney, ALJ Halligan,
Gabe Petlin, ED at CPUC SF
- first-class mail; and/or
- electronic mail

See attached Certificate of Service for list of person appearing on the official Service List who where served.

Executed on May 2, 2013, at San Francisco, CA.

//s// Donald P Hilla

[Signature]

Donald P. Hilla
Consumer Federation of California
433 Natoma Street Suite 200
San Francisco CA 94103

[Typed name and address]