


BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Electric Procurement Policy Refinements pursuant to the Joint Reliability Plan.	R.14-02-001 (Filed February 5, 2014)
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UNION OF CONCERNED SCIENTISTS' NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and checked), ADMINISTRATIVE LAW JUDGE'S RULING ON [UNION OF CONCERNED SCIENTISTS' SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): Union of Concerned Scientists		
Assigned Commissioner: Carla Peterman	Assigned ALJs: David Gamson, Colette Kersten	
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:	
Date: May 12, 2014	Printed Name:	Laura Wisland

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> <p>UCS is a non-profit, membership organization devoted to building a healthier environment and a safer world through the use of rigorous scientific analysis, innovative thinking and committed citizen advocacy. As described in its bylaws, UCS conducts scientific and technical analysis and research in the public interest, disseminates the results of this research and analysis to the general public, and presents its views and assists members in presenting their views before administrative agencies and courts (UCS, Bylaws, Article II). UCS filed a copy of its bylaws with the Docket Office and the assigned Administrative Law Judge in R.04-04-004. Parties may request a copy from the undersigned. In an email exchange with the Public Advisor on March 21, 2014, UCS was informed that including a reference to a previous filing of the bylaws with the proceeding number for which the bylaws were filed would be sufficient for an NOI filed on March 24, 2014 in R.13-12-010. Please see Attachment 2 for a copy of that exchange.</p> <p>UCS has actively participated in numerous proceedings before this Commission with a focus on renewable energy matters, electricity procurement, and greenhouse gas policies, with particular emphasis on integration of renewable energy into utility long-term resource plans and procurement. UCS has been ruled eligible for intervenor compensation in numerous proceedings before this Commission, including the ongoing RPS (R.11-05-005) proceeding and the now closed 2010 LTPP (R.10-05-006) proceeding. UCS was most recently granted intervenor compensation in R.10-05-006 through Decision 13-08-019 04-022 on August 15, 2013.</p> <p>UCS has 80,000 individual members nationwide, with over 14,000 members in California, which is approximately 17.5% of total members. These members are residential electricity customers. The Commission has held:</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.

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. They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” (D.88-04-066, at 3.)

UCS respectfully requests a finding that it is a “customer” pursuant to Section 1802(b).

Identify all attached documents in Part IV.

Please see Attachment 2, Email Correspondence with Public Advisor, March 21, 2014.

Do you have any direct economic interest in outcomes of the proceeding?³ If so, explain:
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?	___ Yes X No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the commission?	___ Yes n/a 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: April 17, 2014	X Yes ___ 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 X 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)):

UCS intends to focus its participation on issues related to how longer term resource adequacy procurement policies will impact the deployment of preferred resources and the state's policies to lower greenhouse gas emissions. In Track 1, UCS plans to address whether multi-year resource adequacy is needed to maintain grid reliability, and if so, how the program should be designed to facilitate the deployment of preferred resources. In Track 2, to ensure a robust long-term reliability planning assessment supports a thoughtful plan to assess which existing generation facilities will be needed, which won't, to support future electricity needs. In Track 3, UCS will address the potential impact of a FERC-jurisdictional procurement mechanism on state clean energy and climate policy.

To this end, UCS plans to participate in workshops, conduct cross-examination (if evidentiary hearings are held), and submit briefs and comments. To the extent possible, UCS will coordinate its participation with other parties to avoid duplication.

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				
Laura Wisland, Senior Energy Analyst	150	\$150	\$22,500.00	
<i>Subtotal: \$</i>				
OTHER FEES				
n/a				
<i>Subtotal: \$</i>				
COSTS				
n/a				
<i>Subtotal: \$</i>				
TOTAL ESTIMATE: \$22,500.00				

Estimated Budget by Issues:

At this point in time, UCS finds it difficult to predict all the issues that might arise in this proceeding. With this, UCS expects participation in the issues identified in Tracks 1, 2 and 3 will be divided to 40%/20%/40% of total time respectively. UCS's participation on certain issues may depend on whether other intervenors have sufficiently covered those issues.

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 and date: ALJ ruling on R.06-02-012, September 14, 2006 and D.13-08-019, August 15, 2013.	X

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):

“Significant financial hardship” means, in 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. The Commission has held that organizations with individual members who have annual utility bills of less than \$50,000 possess economic interests that are small in comparison to the costs required to participate in the proceeding. (D.95-02-093, at 4). According to the Commission, an “individual member” means individual members, not the collective membership. UCS meets this test for significant financial hardship. Although there is no survey of the electricity bills of its membership, it can be stated with confidence that the average annual residential utility bill does not exceed \$50,000. Because UCS represents individual ratepayers, the economic interests of its membership are small compared to cost of participation in this proceeding.

**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	Email Correspondence with Public Advisor, March 21, 2014

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).111111