

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.	Proceeding R.13-12-010 (Filed December 19, 2013)
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**AMENDED NOTICE OF INTENT TO CLAIM INTERVENOR
COMPENSATION
AND, IF REQUESTED (and checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON PROTECT OUR COMMUNITIES FOUNDATION'S SHOWING OF
SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): Protect Our Communities Foundation ("POC")	
Assigned Commissioner: Michael Picker	Assigned ALJ: David Gamson
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:	/s/ David Pepper
Date: September 8, 2014	Printed Name: David Pepper

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.	
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>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. 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>	<p>X</p>
<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>POC was found to qualify as a Category 3 customer in ALJ Gamson's August 6, 2014 Ruling on Protect Our Communities Foundation's Showing of Significant Financial Hardship in this proceeding.</p>	
<p>• Do you have any direct economic interest in outcomes of the proceeding? If so, explain: POC does not have a direct economic interest in the outcomes of this proceeding.</p>	

B. Conflict of Interest (§ 1802.3)	Check
<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 _X_ 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>

C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
<p>1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: February 25, 2014</p>	<p>___ Yes _X_ No</p>
<p>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)?</p>	<p>_X_ Yes ___ No</p>
<p>2a. The party's description of the reasons for filing its NOI at this other time: POC is filing this amended NOI concurrently with a Motion for Reconsideration of the ALJ's August 6, 2014 ruling on the Protect Our Communities Foundation's Showing of Significant Financial Hardship based on the information presented in this amended NOI.</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 above

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.

Once the CAISO and Utility studies are completed, POC will be able to identify the specific issues that it intends to focus on. Generally, POC intends to focus on: ensuring that system need projections are fair, reasonable, and accurate; advocating for cost-effective, reliable, and environmentally responsible solutions to meet any system need; and advocating for consistency with the loading order.

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

POC intends to coordinate closely with other parties to avoid duplication of effort. This coordination will include regular communication with other parties who are likely to take similar positions on specific issues, and, where appropriate, division of issues among parties to avoid overlapping contributions.

- 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).

POC intends to participate in all phases of this proceeding. POC intends to participate in all workshops, engage in discovery, submit expert testimony, participate in evidentiary hearings, and file briefs and comments.

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				
David Pepper	250	\$200	\$50,000	
Bill Powers	160	\$250	\$40,000	
Expert TBD	80	\$250	\$20,000	
<i>Subtotal: \$</i>				
COSTS				

Travel		\$5,000		
<i>Subtotal: \$5,000</i>				
TOTAL ESTIMATE: \$				
<p>Estimated Budget by Issues:</p> <p>POC is unable to provide an estimated budget by issues at this early date in the proceeding. Once CAISO and the utilities have submitted their studies and the issues have been clearly defined, and POC has had the opportunity to coordinate on issues with other intervenors, POC will be able to provide a budget by issues.</p> <p>Comments/Elaboration (use reference # from above):</p> <p>POC's itemized estimate of the compensation that the party expects to request and is based on POC's best guess of the issues that will arise and the time required to address those issues.</p> <p>The hourly rate for Attorney David Pepper is based on the rate approved at D.13-11-016. POC may request cost of living or experience-based adjustments to this rate.</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
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):

POC represents the interests of a specific constituency: San Diego area residential and small business ratepayers, including ratepayers in smaller communities whose interests are often not adequately represented in Commission proceedings. POC represents the interests of this constituency and POC’s supporters within this constituency. POC’s constituents and supporters are SDG&E ratepayers. POC certifies that the economic interest in this proceeding of any individual POC constituent or supporter is small compared to the cost of effective participation in this proceeding. Although POC’s goal in this proceeding is to make a substantial contribution that will result in lower electricity bills for POC’s constituents and supporters, for any individual POC constituent or supporter this impact will be small compared to the cost of participation in this proceeding. This is especially true given the complex and technical nature of this Long Term Procurement Plan proceeding, which POC anticipates will require a significant investment of attorney and expert time.

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)

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