



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

FILED
02-25-10
01:29 PM

Application of Pacific Gas and Electric Company for
Approval of the Manzana Wind Project and Issuance
of a Certificate of Public Convenience and Necessity

Application 09-12-002

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and checked), ALJ RULING
ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): The Utility Reform Network (TURN)			
Assigned Commissioner: Michael Peevey		Assigned ALJ: Doug Long	
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/	
Date:	02-25-10	Printed Name:	Matthew Freedman

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)): Are you claiming "customer" status because you (check one):	Applies (check)
1. Category 1: Represent 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))?	

2. Category 2: Are a representative who has been authorized by a “customer” (§ 1802(b)(1)(B))?	
3. Category 3: Represent 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. Please explain your customer status, economic interest (if any), and provide any documentation (such as articles of incorporation or bylaws) that supports your status. Identify any attached documents in Part IV.

TURN is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” TURN provided the relevant portion of our articles of incorporation in the NOI submitted in A.98-02-017, and again in A.99-12-024. The articles of incorporation have not changed since the time of those earlier submissions. D.98-04-059 directs groups such as TURN to indicate the percentage of their members that are residential ratepayers. *Id.*, FOF 12. TURN has approximately 20,000 dues paying members, of whom we believe the vast majority are residential ratepayers. TURN does not poll our members in a manner that would allow a precise breakdown between residential and small business members, so a precise percentage is not available.

In this proceeding TURN will represent the interests of its residential and small business constituents who take service as customers of PG&E. These customers have an interest in ensuring that PG&E procures renewable energy products that provide the highest value at the least cost. These customers are directly affected by the rate impacts of the Manzana wind project. TURN's participation in this proceeding will focus on the reasonableness of the proposed cost cap, performance guarantees, the extent to which PG&E's preferred ownership model deprives ratepayers of the full value of federal tax benefits available to renewable energy projects, and the reasonableness of other elements of the transaction that create risks for ratepayers.

B. Timely Filing of NOI (§ 1804(a)(1)):	Check
1. Is your NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>January 27, 2010.</u>	Yes <u>X</u> No <u> </u>
2. Is your 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 <u> </u> No <u>X</u>
2a. Describe the reason for filing your NOI at this other time:	
2b. Provide the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, or ALJ ruling, or other document authorizing the filing of your NOI at this other time:	

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)):
1. What is the nature and extent of your planned participation in this proceeding (as far

as it is possible to describe on the date this NOI is filed)? On what issues do you plan to participate?

Nature and Extent of Planned Participation

This proceeding entails the Commission’s review of PG&E’s proposal to acquire, own and operate the 246 MW Manzana wind facility. PG&E seeks authority to recover the costs of this project in rates and requests the adoption of a \$911 million estimated initial capital cost. Under PG&E’s proposal, the utility would be authorized to recover the initial capital costs without any further reasonableness review if the total amount does not exceed the adopted estimate (\$911 million). Given the importance of achieving the state’s renewable energy goals at reasonable cost, TURN believes that the Commission must fully examine this application and ensure that ratepayers would receive tangible and meaningful benefits from the ownership model proposed by PG&E. TURN has already begun discovery, plans to meet with PG&E to discuss various topics, will prepare testimony, intends to participate in hearings (if necessary) and will submit post-hearing briefs.

Issues Likely to Be Addressed

TURN anticipates focusing on, at a minimum, the following issues: (1) the reasonableness of the \$911 million capital cost estimate, (2) identifying and mitigating the range of financial risks to which ratepayers could be exposed, (3) performance requirements and other guarantees that should be assigned exclusively to PG&E, and (4) examining the extent to which federal tax benefits unique to renewable energy facilities would be flowed through to ratepayers (and considering alternative structures to achieve this result). As TURN continues to review the application and conduct discovery, additional issues of concern may arise.

Avoiding Undue Duplication

The Commission has stated that it will make a preliminary determination based on the NOI whether an intervenor represents interests that, if not for the availability of compensation, would be “underrepresented” in the proceeding. D.98-04-059, mimeo, at 27. TURN, the Division of Ratepayer Advocates (DRA), and several other participating parties represent ratepayer interests. However, TURN only represents the interests of residential and small commercial customers. Furthermore, as has been demonstrated in recent years, TURN will work to closely coordinate with DRA and other intervenors in a manner that ensures maximum coverage of issues and, by design, reduced duplication of effort.

B. Please provide an itemized estimate of the compensation that you expect to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):

Item	Hours	Rate \$	Total \$	#
ATTORNEY FEES				

Matthew Freedman	200	\$335	\$67,000	1
			Subtotal:	\$67,000
EXPERT FEES				
William Marcus	100	\$260	\$26,000	2
Kevin Woodruff	150	\$225	\$33,750	
			Subtotal:	\$59,750
OTHER FEES				
N/A				
			Subtotal:	\$0
COSTS				
Estimated Miscellaneous Expenses (i.e., Telecommunications, Photocopying)			\$1,000	
Travel Expenses for consultants			\$750	
			Subtotal:	\$1,750
			TOTAL ESTIMATE \$:	\$128,500
<p>Comments/Elaboration (use reference # from above):</p> <p>The 2010 hourly rates for Matthew Freedman and William Marcus reflect a 3% increase over previously adopted 2008 and 2009 rates. The reasonableness of the hourly rates requested for TURN's representatives will be addressed in our Request for Compensation (#s 1 and 2). TURN has not included in this estimate claim preparation time (#1). The amount of any future request for compensation will depend upon the Commission's ultimate decision in this case, as well as the resources TURN has available to devote to the case going forward.</p>				
<p>When entering items, type over bracketed text; add additional rows to table as necessary.</p> <p>Estimate may (but does not need to) include estimated claim preparation time. Claim preparation is typically compensated at 1/2 of preparer's normal hourly rate.</p>				

**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. On what basis are you claiming "significant financial hardship" for your claim for intervenor compensation in this proceeding (§ 1802(g))?	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	<input type="checkbox"/>

other reasonable costs of participation"; 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."	X

B. Please explain, and attach necessary documentation as warranted, the factual basis for your claim of "significant financial hardship" (§ 1802(g)):

TURN is making its showing of significant financial hardship at this time pursuant to Section 1804(b)(1), which states in part that:

A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding.

TURN received a finding of significant financial hardship in an ALJ's Ruling issued April 22, 2009, in A.08-05-023 (the PG&E Distribution Reliability Improvement Program (DRIP) application). This proceeding commenced within one year of the dates of this finding, so the rebuttable presumption applies in this case.

TURN does not anticipate any challenge to its eligibility for compensation in this proceeding. If any party does attempt to rebut the presumption of eligibility, however, TURN requests that it be granted the opportunity to reply to such party's allegations within 10 days after the service of such filing

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE
(Claimant identifies and attaches documents; add rows as necessary)**

Attachment No.	Description
1	Certificate of Service

**ADMINISTRATIVE LAW JUDGE RULING¹
(ALJ completes)**

	Check all that
--	-------------------------------

¹ An ALJ Ruling will 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 claim for compensation); or (c) the NOI has included a claim of "significant financial hardship."

	apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	
a. The NOI has not demonstrated 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)):	

ORDER

	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. The customer is entitled to a rebuttable presumption of eligibility for intervenor compensation in other Commission proceedings commencing within one year of the date of this ruling (§ 1804(b)(1)).	
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

**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:

Executed this 25th day of February, 2010, at San Francisco, California.

/S/

Matthew Freedman

The Utility Reform Network
115 Sansome Street, Suite 900
San Francisco, CA 94104
Ph: 415-929-8876
matthew@turn.org

CERTIFICATE OF SERVICE

I, Serrita Teer, certify under penalty of perjury under the laws of the State of California that the following is true and correct:

On February 25, 2010 I served the attached:

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and checked), ALJ RULING
ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

on all eligible parties on the attached lists **A.09-12-002** by sending said document by electronic mail to each of the parties via electronic mail, as reflected on the attached Service List.

Executed this February 25, 2010, at San Francisco, California.

/S/
Serrita Teer

Service List A.09-12-002

loreleio@co.kern.ca.us
mdjoseph@adamsbroadwell.com
cjm@cpuc.ca.gov
alazar@endangeredearth.org
matthew@turn.org
cmmw@pge.com
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ssmyers@att.net
stephaniec@greenlining.org
joseph.ahn@ngc.com
hrasool@semprautilities.com
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