



**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**FILED**

02-16-11  
04:59 PM

Application of Southern California  
Edison Company (U338E) for  
Authority to, Among Other Things,  
Increase Its Authorized Revenues for  
Electric Service In 2012, And to  
Reflect That Increase In Rates.

Application 10-11-015  
(Filed November 23, 2010)

**EASTERN SIERRA RATEPAYER ASSOCIATION**

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION**

**1. Introduction**

Eastern Sierra Ratepayer Association (ESRA) hereby gives notice of its intent to claim intervenor compensation in this proceeding. This notice is filed pursuant to Public Utilities (Pub. Util.) Code §1804(a), to notify the Commission and all parties that Eastern Sierra Ratepayer Association (ESRA) intends to claim compensation in the test year 2012 general rate case of Southern California Edison Company (Edison). By this filing, ESRA requests a finding that it is a customer as defined in Pub. Util. Code Section §1802(b)(1). It also requests a finding of significant financial hardship, and a preliminary ruling that it is eligible for compensation in this proceeding pursuant to Pub. Util. Code § 1804(b).

ESRA has reviewed the notice of intent (NOI) template posted on the Commission website in the “Intervenor Compensation Guide.” This NOI provides the information requested by the template.

**2. Timely Filing of NOI §1804(a)(1))**

A prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Melanie Darling on January 31, 2011 in San Francisco. ESRA filed an appearance at the PHC. A party’s NOI is timely if filed within thirty (30) days of the PHC in the proceeding, as set forth in Pub. Util. Code §1804(a)(1). The 30 day due

date for the filing of NOIs in this proceeding is March 2, 2011. Accordingly, this NOI is timely filed.

### **3. Customer Status**

To be eligible for compensation, a participant in a formal Commission proceeding must establish that it is a “customer” according to one of three categories set forth in Section 1802(b)(1):

“Customer” means any of the following:

- 1) A participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission;
- 2) A representative who has been authorized by a customer;
- 3) A representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, or to represent small commercial customers who receive bundled electric service from an electrical corporation.

ESRA is an unincorporated nonprofit association. It has applied for registration with the California Secretary of State pursuant to California Corporations Code Section 21300. ESRA submitted form “Sec/State Form LP/UNA 28” to the Secretary of State for registration January 26, 2010. The website of the Secretary of State estimates a minimum of two (2) months processing time, but indicates issuance of a registration number could take longer due to processing delays caused by budget constraints.

ESRA has attached a copy of its Articles of Organization and Initial Bylaws to this pleading as “Attachment 1”.

The Commission directed organizations such as ESRA to indicate the percentage of members who are residential customers. All of ESRA’s members are residential utility customers of applicant Southern California Edison Company. ESRA’s bylaws limit membership to residential and small commercial users in Mono and Inyo Counties. Less than 10% of ESRA’s members also operate small privately

owned businesses out of home offices that are served by Edison. ESRA was not established by or formed by a local government entity for purposes of participating in a Commission proceeding, or for any other purpose.

For the reasons set for above, ESRA qualifies as a Category 3 customer as defined by Pub. Util. Code §1802(b).

#### **4. Adequacy of Representation**

The Commission has directed customers to address whether they will be representing customer interests that would otherwise be underrepresented, as described in D.98-04-059 and Section 1801.3(f). ESRA represents the interests of residential and small commercial customers in the Eastern Sierra of California, which is an area of high concentration of Edison hydroelectric generation and transmission facilities. Customers in this area do not have natural gas service, and some are reliant upon Edison service for all energy needs. Because there is very little commercial development in Mono and Inyo Counties, Edison facilities are highly visible to customers and customers are both more aware of and more directly impacted by Edison operations than they are in many urban service areas. ESRA anticipates that neither DRA nor other intervenors in this proceeding will have the on-the-ground knowledge of Edison's operations in the Eastern Sierras of California to identify unnecessary, excessive, or unreasonable expenses presented in Edison's application that ESRA may identify. ESRA believes its participation in this proceeding will provide the Commission with information about expenses and projects that the Commission would otherwise be unlikely to discover, and may suggest means of cost control that could be broadly applied.

ESRA has had preliminary communications with DRA, TURN, and Aglet to address duplication of effort. While ESRA does not anticipate that other parties will focus on the same issues as ESRA, if it discovers that there is the potential for duplication of participation, it will work with other parties to minimize duplication.

The director and representative of ESRA in this proceeding, Kathleen Maloney Bellomo, was employed by the Commission in the past as a senior trial

counsel in the Legal Division, as an attorney in the appellate section of Legal Division, and as an Administrative Law Judge, prior to leaving state employment. Maloney Bellomo's experience and familiarity with Commission proceedings will be used by ESRA to help develop a full record in this proceeding without duplicating the work of other parties.

## **5. Significant Financial Hardship**

Pub. Util. Code §1804(a)(2)(B) provides that a NOI may include a showing by the customer that participation in the hearing or proceeding would pose a significant financial hardship. Alternatively, such a showing may be included in the request for compensation. ESRA has elected to include a showing of financial hardship in this NOI.

Significant financial hardship is defined in Pub. Util. Code §1802(g) as follows:

“Significant financial hardship” means either that the 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, or that 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 economic interest of ESRA’s individual members is small in comparison to the costs of participation. Residential electric bills, and bills of ESRA’s small commercial business members who have home offices, are typically in the range of \$1200 to \$1,600 per year, depending upon the extent to which electricity is used for heating and cooling. The typical annual electric bill of ESRA members is far less than the cost of ESRA’s participation in this proceeding. Furthermore, any anticipated benefit of ESRA’s participation will be spread out among all Edison ratepayers, resulting in a very small impact on individual ESRA members’ bills. Therefore, ESRA meets the financial hardship requirements of Pub. Util. Code §1802(g).

ESRA respectfully requests that the administrative law judge, in consultation with the assigned commissioner, issue a preliminary ruling pursuant to Pub. Util. Code §1804(b)(1) that ESRA has made a showing of significant financial hardship.

## **6. Nature and Extent of Planned Participation**

Pub. Util. Code §1804(a)(2)(A)(i) requires that the NOI include a statement of the nature and extent of the customer's planned participation in the proceeding to the extent possible when the NOI is filed. ESRA intends to participate in the revenue requirement portion of the proceeding; at this time it does not intend to participate on rate design issues because it appears its participation would duplicate efforts of other parties in this area.

ESRA's planned participation includes conducting discovery, preparing testimony, defending its testimony, cross-examination of witnesses, preparation of briefs and comments, and possible participation at oral argument if one is held. ESRA anticipates the primary focus of its work in this proceeding will be on the following: 1) capital and operating and maintenance expenses related to hydroelectric generation and transmission. Depending upon results of ESRA's discovery, it may also focus on employee training costs and employee programs. During the course of review of the Edison application and discovery, if ESRA uncovers any material issues that should be brought to the attention of the Commission that are not the subject of other parties' analysis, it may address such other issues.

ESRA is mindful of the importance of avoiding duplication of effort in this proceeding and of avoiding unproductive participation that wastes Commission time and resources. ESRA intends to work with DRA and other intervenors throughout the proceeding to minimize duplication of effort and maximize the value of its participation to residential and small commercial ratepayers.

## 7. Itemized Estimate of Costs of Participation

The following itemized estimate of compensation that ESRA expects to request is submitted in compliance with Pub. Util. Code §1804(a)(2)(A)(ii).

### Compensable Time<sup>1</sup>

\$96,050	226 hours of professional time by Kathleen Maloney Bellomo @ \$425 per hour (estimate for case preparation and attending proceedings; assumes 2 PHCs, 2 days of hearing, no oral argument)
10,200	48 hours travel time by Kathleen Maloney Bellomo @ \$212.50 per hour (4 trips -Mono County to SF – 12 hours roundtrip)
6,000	60 hours of consultant time @ \$100 per hour (assumes one trip to SF to hearings, attendance 2 hearing days)
4,250	20 hours of compensation related time @ \$212.50 per hour
<hr/>	
\$116,500	Subtotal of Compensable Time

### Other Compensable Costs

\$ 50	photocopying
100	postage/delivery costs
1,750	lodging costs during PHCs and evidentiary hearings
1,200	travel costs (assumes 4 trips to SF from Mono County by air if air service remains available from Mammoth airport; otherwise mileage and parking)

---

\$3,100

\$119,600 TOTAL ESTIMATED COST OF PARTICIPATION

The foregoing is ESRA's best estimate at this time of its costs of participation.

---

<sup>1</sup> An hourly rate of \$425 for Kathleen Maloney Bellomo was adopted by the Commission in D.100-40-020 for contributions to D.09-03-025 in the Edison 2009 GRC. In that proceeding Ms. Maloney Bellomo represented intervenor Inland Aquaculture Group, LLC (IAG). The hourly rate of \$425 is used for the estimated costs of participation in this proceeding.

## 8. Conclusion

Based upon the information submitted herein, ESRA respectfully requests that the assigned ALJ issue a ruling containing the following findings: 1) that ESRA is a customer as defined by Pub. Util. Code §1802(b); 2) that in consultation with the assigned commissioner it is concluded that ESRA has made an adequate showing of financial hardship; 3) that ESRA is preliminarily found to be eligible for compensation in this proceeding.

Signed: February 16, 2011 at Mono Lake, California.

Respectfully submitted,

/s/

---

Kathleen Maloney Bellomo, Esq.  
Director  
Eastern Sierra Ratepayer Association  
P.O. Box 217  
Lee Vining, CA 93541  
760.647.6473  
760.647.6402 (fax)  
[hydroesq@schat.net](mailto:hydroesq@schat.net)

## **Attachment 1**

- Articles of Organization for Eastern Sierra Ratepayer Association (1 page)
- Initial Bylaws: Eastern Sierra Ratepayer Association (4 pages)

**ARTICLES OF ORGANIZATION  
FOR  
EASTERN SIERRA RATEPAYER ASSOCIATION**

1. NAME: The organization's name is Eastern Sierra Ratepayer Association. Application has been made with the State of California, Secretary of State, to register as an unincorporated nonprofit association.

2. PURPOSE OF ORGANIZATION: Eastern Sierra Ratepayer Association formed for the following purposes: 1) to represent the interests of residential and small commercial customers in Mono and Inyo Counties before the California Public Utilities Commission and other regulatory agencies in electricity and other proceedings; 2) to advocate for reasonable and just rates; 3) to advocate for reliable, safe, and non-discriminatory public utility service in the Eastern Sierra; 4) to promote utility company compliance with state and federal environmental review requirements and laws.

3. CURRENT AGENT: The current agent for service of process is Kathleen Maloney Bellomo, 532 E. Mono Lake Dr., P.O. Box 217, Lee Vining, CA 93541.

Dated: January 20, 2011 at Mono County, California.

/S/

---

Kathleen Maloney Bellomo, Director and President  
Eastern Sierra Ratepayer Association

## **INITIAL BYLAWS**

### **EASTERN SIERRA RATEPAYERS ASSOCIATION**

**(January 20, 2011)**

1. NAME: Eastern Sierra Ratepayer Association (ESRA). Application has been made to the State of California, Secretary of State, to register this name as an unincorporated nonprofit association. In the event of any dispute over use of the name, rights to the name shall belong to a majority of the members of the association.

2. PURPOSES: Eastern Sierra Ratepayer Association (ESRA) is formed for the following purposes: 1) to represent the interests of residential and small commercial customers before the California Public Utilities Commission and other government entities in electric and other proceedings; 2) to advocate for reasonable and just rates; 3) to advocate for reliable, safe, and non-discriminatory public utility service in the Eastern Sierra; 4) to advocate for utility compliance with state and federal environmental review requirements and laws.

#### 3. DIRECTOR:

3.1 The Director at the time of organization of ESRA is Kathleen Maloney Bellomo, P.O. Box 217, Lee Vining, CA 93541.

3.2 The Director shall serve without salary.

3.3 The duties of the Director are to: 1) recruit and maintain membership, including limiting the number of members as necessary; 2) to represent and advocate the interests of ESRA and its members before the California Public Utilities Commission and other government entities; 3) to inform and advise members and other utility customers of utility issues when appropriate; 4) to maintain the ESRA office for contact purposes, and to maintain records as necessary; 5) to manage the business affairs of ESRA, including retention of professional staff, consultants and/or support staff if needed; 6) appoint a President and Vice-President if necessary.

3.4 Upon receipt of a petition signed by any five (5) members, the Director shall communicate to all members and schedule a membership vote regarding any proposal to revise or amend the bylaws, or to replace the Director, or to replace the President or Vice-President.

3.5 Members may replace the Director by a vote of at least 2/3 of the members. Members may revise the bylaws by a vote of at least 2/3 of the members. The President and/or Vice-President may be replaced by a simple majority of members.

#### 4. Members.

4.1 The Director shall recruit and maintain a sufficient number of members to achieve reasonable representation of residential and small commercial customers of utilities serving the Eastern Sierra.

4.2 Membership is limited to California utility customers of record who receive service in Mono and/or Inyo Counties.

4.3 Initial total membership shall not exceed 50 members, and shall be limited to members who support the consumer interests of ESRA set forth in Paragraph 2 above. The purpose of limiting the number of members is to limit the amount of time that ESRA must spend on administrative activities related to membership.

4.4 The Director shall not sell, give away, or otherwise share the membership list with any other organization, nor shall it be used for any purpose other than to communicate with members. The Director shall not reveal the identity of any member without prior consent of the member.

4.5. Individual members have no authority to make decisions for ESRA nor to represent ESRA as its agent or representative. Members have no authority to incur debt on behalf of ESRA. The Director has sole authority to represent ESRA, articulate ESRA's positions before the California Public Utilities Commission and other government entities, make business decisions for ESRA, and to act as its agent. As set forth in 3.4 above, members have the right to initiate amendment of these bylaws, and/or removal of the Director and selection of a replacement Director, as well as replacement of the President and/or Vice-President.

5. DUES. Member dues shall be five dollars (\$5.00) per year. Renewal dues may be waived at the discretion of Director if ESRA has sufficient assets to cover operating expenses.

6. BYLAWS. The initial Director has prepared these initial bylaws. Thereafter, members may revise or amend the bylaws by a vote of at least two-thirds of all members.

7. OFFICES. The Director shall maintain an office in a location at his or her discretion. The initial mailing address is Eastern Sierra Ratepayer Association, P.O. Box 217, Lee Vining, CA 93541.

8. FINANCES.

8.1 The Director shall maintain any necessary financial records, which may be reviewed by any member upon reasonable notice.

8.2 Members are not responsible for any financial obligation incurred by ESRA. The Director is responsible for all such financial obligations.

8.3 Only the Director may incur financial obligations on behalf of ESRA.

8.4 ESRA shall not assume ownership of any supplies, equipment, furniture, or asset unless the initial cost is less than one hundred dollars (\$100.00). The Director shall provide ESRA with all other necessary computers, printers, office furniture, other equipment and working capital. ESRA shall not have exclusive use of those assets.

8.5 The Director shall maintain a checking account at a bank in Mono County, California in the name of ESRA and the Director. The Director shall have sole signatory authority for this account.

8.6 The Director shall use member dues to pay for office supplies and expenses, including registration fees paid to the Secretary of State of the State of California, or fees paid to any other local, state or federal agency.

8.7 Director may loan money to ESRA to cover the costs of office supplies and operating costs if member dues on hand are insufficient to cover such costs.

8.8 If ESRA receives intervenor compensation awarded by the California Public Utilities Commission, if the amount awarded includes compensation for ESRA office expenses and operating costs, then Director shall use the award to offset such expenses and costs, including to repay Director for any amounts loaned by Director to ESRA.

8.9 If ESRA is awarded intervenor compensation by the California Public Utilities Commission, the Director shall compensate her or himself or any expert witness, advocate, or other person retained by ESRA to the extent that such costs and fees for work performed are included in the compensation award.

8.10 The Director shall use any income of ESRA derived from other sources to offset operating expenses not covered by member dues or compensation awards.

8.11 For tax purposes, the Director may participate in ESRA's operations as a sole proprietorship, consistent with Federal and California law.

8.12 In the event that ESRA is dissolved or disbanded, the Director shall distribute any supplies, equipment, or other assets that belong to ESRA to a charitable or public purpose organization of her or his choosing.

Dated: January 20, 2011, at Mono City, Mono County, California.

/S/

---

Kathleen Maloney Bellomo, Director  
Eastern Sierra Ratepayer Association

## VERIFICATION

I, Kathleen Maloney Bellomo, am the director of Eastern Sierra Ratepayer Association (ESRA), and am authorized to represent ESRA in A. 10-11-015 and to make this verification on its behalf. I hereby certify that the information set forth in the foregoing Notice of Intent is true and correct to the best of my knowledge, information and belief, except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 16, 2011, at Mono Lake, California.

/s/

---

Kathleen Maloney Bellomo, Esq.  
Director  
Eastern Sierra Ratepayer Association  
P.O. Box 217  
Lee Vining, CA 93541  
760.647.6473  
760.647.6402 (fax)  
[hydroesq@schat.net](mailto:hydroesq@schat.net)

## CERTIFICATE OF SERVICE

I certify that in conformance with the Rules of Practice and Procedure, on this day I served a true and correct copy of the attached Eastern Sierra Ratepayer Association Notice of Intent to Claim Compensation on all parties on the Commission maintained Service List in A.10-11-015. Service was made by electronic mail to the e-mail address of each party listed on the official service list.

I further certify that a copy of the attached Eastern Sierra Ratepayer Association Notice of Intent to Claim Compensation will be served on ALJ Melanie Darling by U.S. Postal Service on 2/17/2011 to the following address: CPUC, Division of Administrative Law Judges, 505 Van Ness Ave., San Francisco, CA 94102.

Executed on February 16, 2011, at Mono Lake, California.

/s/

---

Kathleen Maloney Bellomo, Esq.  
Director  
Eastern Sierra Ratepayer Association  
P.O. Box 217  
Lee Vining, CA 93541  
760.647.6473  
760.647.6402 (fax)  
[hydroesq@schat.net](mailto:hydroesq@schat.net)

Service List: A.10-11-015

(Source: CPUC maintained e-mail service list on 2/16/2011)

douglass@energyattomey..com marcel@turn.org JPong@SempraUtilities.com  
npedersen@hamnor.com mcultfa@sce.com JPacheco@SempraUtilities.com  
carl.wood@verizon.net rochelle@a4nr.org hydroesq@schat.net dbyers@landuselaw.com  
rkoss@adamsbroadwell.com ljt@cpuc.ca.gov nes@a-klaw.com swf5@pge.com  
epoole@adplaw.com bcragg@goodimnacbride.com dhuard@manatt.com  
RobertGnaizda@gmail.com speesapati@earthjustice.org stephaniec@greelining.org  
pucservice@dralegal.org  
jweil@aglet.org kmills@cfbf.com atrowbridge@daycartermurphy.com  
cleo.zagrean@macquarie.com jleslie@luce.com lauren.duke@db.com jheckler@levincap.com  
jcorralejo@lbcgla.org scegrc@sce.com kris.vyas@sce.com Russell.Worden@sce.com  
KMelville@SempraUtilities.com learl@SempraUtilities.com liddell@EnergyAttomey.com  
onell.soto@uniontrib.com marcie.milner@shell.com pgirard@semprautilities.com  
faith.mabuhayalliance@grnail.com dand2847@aol.com sue.mara@rtoadvisors.com  
mdjoseph@adamsbroadwell.com bfinkelstein@turn.org jstoddard@manatt.com  
rkeen@manatt.com TKaushik@manatt.com aaron.joseph.lewis@grnail.com cem@newsdata.com  
lencanty@blackeconomiccouncil.org dmarcus2@sbcglobal.net alison@bartlewell.com  
rschmidt@bartlewells.com brbarkovich@earthlink.net garrick@jbsenergy.com  
rmccann@umich.edu blaising@braunlegal.com steven@iepa.com lmh@eslawfirm.com  
roe@cpuc.ca.gov  
crv@cpuc.ca.gov ckt@cpuc.ca.gov esc@cpuc.ca.gov dlf@cpuc.ca.gov dfb@cpuc.ca.gov  
egl@cpuc.ca.gov fvr@cpuc.ca.gov md2@cpuc.ca.gov psp@cpuc.ca.gov rmp@cpuc.ca.gov  
tbo@cpuc.ca.gov

