



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Application of PACIFIC GAS AND ELECTRIC COMPANY for Approval to Defer Consideration of Default Residential Time-Variant Pricing until Its Next General Rate Case Phase 2 Proceeding, or in the Alternative for Approval of its Proposal for Default Residential Time-Variant Pricing and For Recovery of Incremental Expenditures Required for Implementation. (U 39 E)

Application 10-08-005

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			
Assigned Commissioner: Michael Peevey		Assigned ALJ: Kimberly Kim	
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:	March 10, 2011	Printed Name:	Marcel Hawiger

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.

In D.98-04-059, the Commission directed intervenors to state in their NOIs which of three customer “categories” they fall within. TURN is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” The decision also requires groups such as TURN to include in their NOIs a copy of the authorization in their articles of incorporation to represent residential customers, or to provide a reference to a previous filing. D.98-04-059, p. 30. 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. Finally, 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.

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>February 8, 2011</u>	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/>
2a. Describe the reason for filing your NOI at this other time: n/a	
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: n/a	

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)):
<p>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?</p> <p>TURN intends to participate actively as a “Party” in this proceeding, including submitting expert testimony, conducting cross-examination at hearings, and filing any and all necessary pleadings. TURN has already filed a protest to this application. TURN intends to address policy issues related to the need for and timing of any implementation of default dynamic pricing for residential customers. If necessary, TURN will address technical and factual issues regarding any specific proposed tariff design. TURN will also address legal issues concerning the implementation of dynamic pricing under SB 695.</p> <p>TURN cannot at this time quantify the allocation of resources among the primary issues in this proceeding due to the uncertainty concerning the scope and timing of this case.</p>

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				
Marcel Hawiger	80	325	\$26,000	1
Matthew Freedman	10	325	\$3,250	
		Subtotal:	\$29,250	
EXPERT FEES				
JBS Energy			\$10,000	
		Subtotal:	\$10,000	
OTHER FEES				
[Person 1]				
[Person 2]				
		Subtotal:		
COSTS				
Direct Expenses				
Photocopying and postage			\$200	
Legal Research Lexis fees			\$200	
		Subtotal:	\$400	

TOTAL ESTIMATE \$:	\$39,650	
Comments/Elaboration (use reference # from above): 1 – Assumes limited evidentiary hearings and settlement discussions. Given that the procedural status of this case is uncertain at this point, TURN's estimate assumes briefing of the SB 695 issue and very limited hearings on rate design.		
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 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 claim for intervenor compensation 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	<input type="checkbox"/>
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)).	<input type="checkbox"/>
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 of eligibility for compensation in this proceeding (§ 1804(b)(1)).	X
ALJ ruling (or CPUC decision) issued in proceeding number: P.10-08-016 Date of ALJ ruling (or CPUC decision): November 22, 2010	<input type="checkbox"/>

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):

**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 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)):	

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.”

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:

agc@cpuc.ca.gov
AGL9@pge.com
brbarkovich@earthlink.net
bruce.reed@sce.com
bsl@cpuc.ca.gov
cem@newsdata.com
CentralFiles@SempraUtilities.com
cmkehrein@ems-ca.com
dlf@cpuc.ca.gov
gXH@cpuc.ca.gov
J4LR@pge.com
khojasteh.davoodi@navy.mil
kjsimonsen@ems-ca.com
kk2@cpuc.ca.gov
kmills@cfbf.com
kmsn@pge.com
liddell@EnergyAttorney.com
marcel@turn.org
mrw@mrwassoc.com
nes@a-klaw.com
niki.bawa@cpuc.ca.gov
norman.furuta@navy.mil
pucservice@dralegal.org
RegRelCpucCases@pge.com
ryany@greenlining.org
saw0@pge.com
scr@cpuc.ca.gov
stephaniec@greenlining.org
TCahill@SempraUtilities.com
wbooth@booth-law.com

Executed this 10th day of March, 2011, at San Francisco,
California.

/S/

Larry Wong
The Utility Reform Network
115 Sansome Street, Suite 900
San Francisco, CA 94104
Tel: 415-929-8876