



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**FILED**  
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| In the Matter of the Application of Southern California Edison Company (U 338-E) for Additional Dynamic Pricing Rates. | Application 10-09-002<br>(Filed September 1, 2010) |
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**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: Sean Wilson |                |
| 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>B. Timely Filing of NOI (§ 1804(a)(1)):</b>   | <b>Check</b>   |
|--|--|
| 1. Is your NOI filed within 30 days after a Prehearing Conference?<br>Date of Prehearing Conference: <u>February 8, 2011</u>   | Yes <input checked="" type="checkbox"/> X<br>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"/><br>No <input type="checkbox"/>              |
| 2a. Describe the reason for filing your NOI at this other time:<br>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:<br>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)):**

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?

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’s primary issue in this proceeding is the actual design of the voluntary residential critical peak pricing tariff. Although the proposed rate is voluntary, the actual rate design is important as it may inform any future proposals for default dynamic rates.

**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 \$ | # |
|---|-------|------------------|----------|---|
| <b>ATTORNEY FEES</b>  |       |                  |          |   |
| Marcel Hawiger  | 40    | 325              | \$13,000 |   |
|   |       | <b>Subtotal:</b> | \$13,000 |   |
| <b>EXPERT FEES</b>  |       |                  |          |   |
| JBS Energy  |       |                  | \$8,000  |   |
|   |       | <b>Subtotal:</b> | \$8,000  |   |
| <b>OTHER FEES</b>   |       |                  |          |   |
| [Person 1]  |       |                  |          |   |
| [Person 2]  |       |                  |          |   |
|   |       | <b>Subtotal:</b> |          |   |
| <b>COSTS</b>  |       |                  |          |   |
| Direct Expenses   |       |                  |          |   |
| Photocopying and postage  |       |                  | \$200    |   |
|   |       | <b>Subtotal:</b> | \$200    |   |
| <b>TOTAL ESTIMATE \$:</b>   |       |                  | \$21,200 |   |
| Comments/Elaboration (use reference # from above):  |       |                  |          |   |
| 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                                    |                 |
| 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 of eligibility for compensation in this proceeding (§ 1804(b)(1)). | X               |
| ALJ ruling (or CPUC decision) issued in proceeding number:<br>P.10-08-016<br>Date of ALJ ruling (or CPUC decision): November 22, 2010  |                 |

| 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 NOD): |
|--|
|  |

**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 RULING<sup>1</sup>**  
(ALJ completes)

|  | Check<br>all that<br>apply |
|--|----------------------------|
| <b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b>  |                            |
| 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): |                            |
| <b>2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).</b>  |                            |
| <b>3. The NOI has not demonstrated significant financial hardship for the following reason(s):</b>                           |                            |
| <b>4. The ALJ provides the following additional guidance (see § 1804(b)(2)):</b>   |                            |

<sup>1</sup> 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<br>all that<br>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.

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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:

abb@eslawfirm.com  
agc@cpuc.ca.gov  
blaising@braunlegal.com  
brbarkovich@earthlink.net  
bruce.reed@sce.com  
bsl@cpuc.ca.gov  
case.admin@sce.com  
cem@newsdata.com  
CentralFiles@SempraUtilities.com  
cmkehrein@ems-ca.com  
dlf@cpuc.ca.gov  
gXH@cpuc.ca.gov  
iskenje@sce.com  
J4LR@pge.com  
khojasteh.davoodi@navy.mil  
kjsimonsen@ems-ca.com  
kmills@cfbf.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  
saw0@pge.com  
scr@cpuc.ca.gov  
smw@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/

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San Francisco, CA 94104  
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