



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED

Application of San Diego Gas & Electric Company (U902E) for Authority to Update Marginal Costs, Cost Allocation, and Electric Rate Design	Application 11-10-007 01-09-12 04:59 PM
	October 3, 2011

NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and ¹ checked), ADMINISTRATIVE LAW JUDGE'S RULING ON THE VOTE SOLAR INITIATIVE'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): The Vote Solar Initiative			
Assigned Commissioner: Mark J. Ferron		Assigned ALJ: Amy C. Yip-Kikugawa Stephen C. Roscow	
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/ Tim Lindl
Date:	01/09/2012	Printed Name:	Tim Lindl Attorney for The Vote Solar Initiative

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 (check one):	Applies (check)
1. Category 1: Represents 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: Is a representative who has been authorized by a "customer" (§ 1802(b)(1)(B)).	
3. Category 3: Represents 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

¹ DO NOT CHECK THIS BOX if no finding of significant financial hardship is needed (in cases where there is a valid rebuttable presumption of eligibility (Part III(A)(3)) or significant financial hardship showing has been deferred to the intervenor compensation claim).

4. The party's explanation of its customer status, with any documentation (such as articles of incorporation or bylaws) that supports the party's "customer" status. Any attached documents should be identified in Part IV.

The Vote Solar Initiative (Vote Solar) is a California non-profit, public benefit corporation with Internal Revenue Code (IRC) § 501(c)(3) status, working to fight global warming, increase energy independence, decrease fossil fuel dependence and foster economic development by bringing solar energy into the mainstream. Vote Solar works principally at the state level, helping to implement the suite of policies necessary to build robust, sustainable and long-term solar markets. Founded in 2002, Vote Solar has approximately 50,000 members nationwide, approximately 9,000 of which are Californians—nearly 20 percent. The vast majority of the approximately 8,000 Californian members receive electric service from one of the California investor-owned utilities (IOUs), including SDG&E. A significant number of Vote Solar's members have either installed solar photovoltaic (PV) systems on their homes or businesses or are interested in doing so in the foreseeable future. Most if not all of these members rely or plan to rely on California's Net Energy Metering (NEM) program.

The interests of the customers in this proceeding and in energy issues in general are unique and are not adequately represented by other parties that have intervened in the case. Vote Solar is the only non-profit organization dedicated solely to the advancement of solar energy solutions, and Vote Solar's non-profit status prevents Vote Solar's members from having direct economic interest in, or gain from, Vote Solar's activities.

Vote Solar's California non-profit, public benefit corporation and I.R.C. § 501(c)(3) statuses are maintained through a relationship known as "fiscal sponsorship" with The Tides Center (Tides). As stated in its *Amended and Restated Articles of Incorporation of The Tides Center*, found at Attachment 2, Tides is a "nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes . . . [which include] the nurture and development of competently managed charitable and educational non-profit activities." Under the "fiscal sponsorship," Vote Solar and Tides are not separate entities. Tides receives charitable donations and grants for projects and is legally and financially responsible for all project activities. Vote Solar operates under the umbrella of Tides, which enables Vote Solar to efficiently pool back office and administrative resources with other non-profits.

Due to the unique function of Tides, the Tides Articles and Bylaws—which through "fiscal sponsorship" are likewise the Articles and Bylaws of Vote Solar—are by necessity general and broad. Therefore, they do not conveniently lend themselves to an easy and classic interpretation of a Category 3 customer. To supplement these documents, the Memorandum of Understanding (MOU) governing the relationship between Tides and Vote Solar, as found at Attachment 3, further clarifies that Tides "actively promotes

change toward a healthy society, one which is founded on principles of social justice, broadly shared economic opportunity, a robust democratic process, and *sustainable environmental practices*.” MOU ¶ 1 (emphasis added). The MOU also succinctly states, under the heading “Structure of Relationship,” that approved projects, such as Vote Solar, become direct activities of Tides and thus receive Tides’ California non-profit, public benefit corporation and IRC § 501I(3) status.

Taken together, Vote Solar submits that the Articles, Bylaws and MOU clearly establish Vote Solar’s Category 3 status, as described in the Commission’s *Intervenor Compensation Program Guide*, which states: “Certain other environmental organizations may also qualify as Category 3 customers even if the above requirements are not specifically stated in the articles or bylaws as long as the Category 3 customer seeks to protect the broader interests in the environment held by residential ratepayers, most of the membership consists of residential or small commercial electric customers, and the financial hardship requirements, set forth below, are met.” The language in the Guide is consistent with Commission precedent, which holds: “With respect to environmental groups, [the Commission has] concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. They represent customers who have a concern for the environment, which distinguishes their interests from the interests represented by Commission staff, for example” (citing D.88-04-066 at 3).

Vote Solar’s Annual Report, found at Attachment 4, reiterates the information discussed above and also provides additional detail and descriptions of Vote Solar’s mission, advocacy, and progress, as well as additional information regarding Vote Solar as an organization.

Finally, we note that the Commission ruled that Vote Solar is a Category 3 customer in R.10-05-006 in a Ruling dated March 3, 2011.

- Describe if you have any direct economic interest in outcomes of the proceeding.

As discussed above, Vote Solar is a Section 501I(3) non-profit organization and does not have any direct economic interest in the outcome of this proceeding. Vote Solar is dedicated solely to the advancement of solar energy solutions, and Vote Solar’s non-profit status prevents Vote Solar’s members from having direct economic interest in, or gain from, Vote Solar’s activities. Vote Solar’s activities are pursuant to its educational, scientific, and charitable purposes, as described in Article I of its Bylaws.

B. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
<p>B. Is the party's NOI filed within 30 days after a Prehearing Conference?</p> <p>Date of Prehearing Conference: <u>December 9, 2011</u></p>	<p>Yes <u>X</u></p> <p>No <u> </u></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>Yes <u> </u></p> <p>No <u>X</u></p>
<p>2a. The party's description of the reasons for filing its NOI at this other time:</p>	
<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:</p>	

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)):
<ul style="list-style-type: none"> The party's statement of the issues on which it plans to participate. <p>Vote Solar will be engaged on the full range of electric marginal cost, marginal cost revenue responsibility, revenue allocation and rate design issues presented in this proceeding. Vote Solar is specifically interested in, and concerned by, two new proposals from SDG&E in its Application: (1) a "Network Use Charge" that would be imposed on all customer classes, and (2) a monthly "Basic Service Fee" that would be imposed on all residential customers. Vote Solar also expects to focus on (3) SDG&E's proposal to consolidate tiers 3 and 4 of its residential rates into a single tier 3. If approved, these changes would have a significant and detrimental impact on customers who have installed onsite solar systems and who now participate in NEM. Moreover, Vote Solar believes that SDG&E's proposed changes are contrary to both state law and state policy.</p> <ul style="list-style-type: none"> The party's explanation as to how it plans to avoid duplication of effort with other parties and intervenors. <p>Vote Solar will work with other organizations participating in this proceeding to minimize duplicative submissions from different parties and to encourage settlement.</p> <ul style="list-style-type: none"> The party's description of the nature and extent of the party's planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed). <p>Vote Solar intends to participate actively in this proceeding through attendance of, and</p>

involvement in, workshops, prehearing conferences and settlement negotiations; review and filing of pleadings and comments as necessary; preparation and service of testimony and discovery; and any other action reasonably necessary to work toward a productive resolution of issues raised in this proceeding.

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				
Joseph F. Wiedman	150	\$300/hr	\$45,000	1
Kevin T. Fox	10	\$300/hr	\$3,000	2
Tim Lindl	350	\$200/hr	\$70,000	3
Adam Browning	5	\$200/hr	\$1,000	4
Gwen Rose	20	\$150/hr	\$3,000	5
Rick Gilliam	250	\$350/hr	\$87,500	6
		Subtotal:	\$209,500	
OTHER FEES				
			\$0	10
		Subtotal:	\$0	
COSTS				
Direct Expenses (postage, printing, travel, etc.)			\$3,500	
		Subtotal:	\$3,500	
TOTAL ESTIMATE \$:			\$213,000	

Estimated Budget by Issues: At this point in time, it is difficult to make an estimated budget for each of the issues Vote Solar has identified in this proceeding because the legality of certain proposals by SDG&E has been challenged as a preliminary matter. Given this state of affairs, Vote Solar will keep daily records of time spent on each issue and provide that information to the Commission at the time it seeks an award of intervenor compensation.

Comments/Elaboration (use reference # from above):

Vote Solar's time allocations for attorneys, advocates and experts reflect a reasonable estimate of the time necessary to participate in this proceeding and in the settlement process. Additionally, the reasonableness of rates for all persons listed above will be further addressed in the request for award of intervenor compensation.

The assumptions in this cost estimate are intended to be consistent with D.07-01-009, which established rate ranges for experts based on years of experience, D.08-04-010, which provided considerations for establishing rates for new representations, and Resolution ALJ-267, issued March 24, 2011, which adopted 2011 hourly intervenor rate ranges.

Attorneys Wiedman, Fox, and Lindl, (# 1-3) are members of the law firm Keyes & Fox, LLP, which focuses entirely on distributed generation law. Attorneys Wiedman and Fox are partners at the firm, and Attorney Lindl is a third-year associate. All attorneys are members of the California bar. Their rates are representative for attorneys with their varying experience levels. The firm expects to have only one partner and one-to-two associates working on this matter at a given time. Other attorneys at Keyes & Fox, LLP may assist in addressing the issues raised in this proceeding as the needs of the firm or need for respective expertise requires. However, it is anticipated that Attorneys Wiedman and Lindl will serve as lead attorneys in this ratecase, as reflected in the above estimate.

Advocates/Experts Browning and Rose (# 4-5) are highly experienced in PV system modeling and the impacts of electric utility rate design on residential customers. They are in-house representatives of Vote Solar. Mr. Browning's rate reflects his decade of experience as Executive Director of Vote Solar and his eight years of experience in environmental policy with the Environmental Protection Agency. Ms. Rose's rate reflects her over 10 years of experience as a solar policy expert, working actively with regulators, legislators, and renewable energy stakeholders to develop and implement solar policy changes in key states. Ms. Rose has numerous publications and has served on several governmental advisory bodies related to solar issues.

Advocate/Expert Gilliam (# 6) has been professionally involved in rate-setting for nearly 30 years. He began as an expert technical witness at the Federal Energy Regulatory Commission, testifying in wholesale rate filings. Since then he has worked at a utility (Public Service Company of Colorado), a solar energy company (SunEdison, LLC), and advocacy organizations (previously Western Resource Advocates and currently Vote Solar). All of these positions involved high-level policy work, including participating in rate-setting and net metering policy development. Advocate/Expert Gilliam has been involved in nearly 50 rulemakings, including rate-setting and net metering proceedings, either by submitting formal testimony or by participating as an organizational representative. He has received a number of awards and recognitions for these efforts, and has authored several relevant articles. He is currently transitioning from a position at SunEdison to an in-house position at Vote Solar. Advocate/Expert's Gilliam's extensive rate-setting experience, and his professional credentials and esteem, are reflected in his rate above.

Vote Solar has factored in this notice halved rates for time invested in compensation filings.

Estimated expenses are based on travel for Mr. Gilliam to hearings and other necessary meetings during the course of the proceeding. Estimated expenses also include postage and printing.

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 (as well as travel time) 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 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 of eligibility for compensation in this proceeding (§ 1804(b)(1)).	X
ALJ ruling (or CPUC decision) issued in proceeding number: R.10-05-006 Date of ALJ ruling (or CPUC decision): March 3, 2011	

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

(The party (“customer”) intending to claim intervenor compensation identifies and attaches documents; add rows as necessary)

Attachment No.	Description
1	Certificate of Service
2	Amended and Restated Articles of Incorporation of the Tides Center
3	Tides-Vote Solar MOU
4	Annual Report of The Vote Solar Initiative

ADMINISTRATIVE LAW JUDGE RULING²
(ALJ completes)

	Check all that apply
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 reason(s):	
4. The ALJ provides the following additional guidance (see § 1804(b)(2)):	

IT IS RULED that:

	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.	
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.

² An ALJ Ruling needs 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 Intervenor Compensation Claim); or (c) the NOI has included a claim of "significant financial hardship" that requires a finding under § 1802(g).

ADMINISTRATIVE LAW JUDGE