



FILED

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider the Annual Revenue Requirement Determination of the California Department of Water Resources.

Rulemaking 09-06-018
(Filed June 18, 2009)

**ADMINISTRATIVE LAW JUDGE’S RULING
ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): The Utility Reform Network (TURN)	
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: John S. Wong

PART I: PROCEDURAL ISSUES

A. Status as “customer” (see Pub. Util. Code § 1802(b)): The party claims “customer” status because it (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

4. Party's explanation of its customer status, economic interest (if any), with any documentation (such as articles of incorporation or bylaws) that supports the party's status. Any attached documents should be identified 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 its articles of incorporation in the notice of intent submitted in Application (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. Decision 98-04-059 also directs groups such as TURN to indicate the percentage of their members that are residential ratepayers. TURN has approximately 20,000 dues paying members, of whom TURN believes the vast majority are residential ratepayers. TURN does not poll its members in a manner that would allow a precise breakdown between residential and small business members, so a precise percentage is not available.

TURN further states that the economic interests of residential ratepayers will be impacted by the DWR revenue requirement allocations adopted in this proceeding.

B. Timely Filing of NOI (§ 1804(a)(1)):	Check
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: September 9, 2009	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
2a. The party's description of the reason for filing its NOI at that other time:	
2b. The party's information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, or ALJ ruling, or other document authorizing the filing of its NOI at that other time:	

PART II: SCOPE OF ANTICIPATED PARTICIPATION

A. Planned Participation (§ 1804(a)(2)(A)(i)):
<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 the party’s NOI is filed). <p>TURN plans to be an active participant in this proceeding, and has already filed a prehearing conference statement and attended the prehearing conference.</p> <ul style="list-style-type: none"> • The party’s statement of the issues on which it plans to participate. <p>TURN plans to address the appropriate treatment of past and future reductions in the California Department of Water Resources’ (DWR) operating reserve requirements and related issues, as well as the bond requirement for electric service providers to the extent that it is considered in this docket. TURN also may address other issues as they arise.</p> <p>Although TURN and the Division of Ratepayer Advocates (DRA) both represent ratepayer interests, TURN only represents the interests of residential and small commercial customers. TURN plans to avoid undue duplication of effort by continuing to coordinate with DRA and other intervenors.</p>

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 FEES				
Michel Peter Florio	50	\$535	\$26,750	1
		<i>Subtotal:</i>	\$26,750	
EXPERT FEES				

		Subtotal:		
OTHER FEES				
		Subtotal:		
COSTS				
Estimated Miscellaneous Expenses (e.g., telecommunications, photocopying)			\$250	
		Subtotal:		
TOTAL ESTIMATE \$:			\$27,000	
<p>Comments/Elaboration (use reference # from above):</p> <p>#1. The reasonableness of the hourly rate requested for TURN's representative will be addressed in TURN's Request for Compensation, if one is eventually filed. The amount of any future request for compensation will depend on the Commission's ultimate decision in this case, as well as the resources TURN ultimately devotes to the proceeding.</p>				

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

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"; 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

<p>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)).</p> <ul style="list-style-type: none"> • Administrative Law Judge’s ruling issued on April 22, 2009 in A.08-05-023. 	<p>X</p>
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ADMINISTRATIVE LAW JUDGE’S RULING

	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.	<p>X</p>
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)):	

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated November 4, 2009, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

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Last Updated on 03-NOV-2009 by: RC4
R0906018 LIST

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